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PORTRAIT OF A POLITICAL GENERAL: EDWIN VON MANTEUFFEL AND THE CONSTITUTIONAL CONFLICT IN PRUSSIA

THE history of German liberalism in the nineteenth century is a sad story of repeated but vain attempts to restrict the prerogatives of the Crown and to limit its absolute control over the armed forces of the state. Perhaps the most dramatic of these attempts occurred in the 1860's when the lower house of the Prussian Parliament sought, by exercising its budgetary rights, to strengthen its influence in military questions. This constitutional struggle marked Bismarck's debut as a statesman, and the successful defense of the royal power of command is usually associated with his name. But, while Bismarck deserves the credit for having fashioned the strategy which produced the liberal defeat, there were others whose efforts in the royal cause were almost equally important. One of these was the Chief of the Military Cabinet, Edwin von Manteuffel, a man whose policies were decisive in preserving for the army the dangerous freedom from parliamentary control which it enjoyed until 1918.

I

The career of Edwin von Manteuffel has attracted the attention of few historians outside of his own country.[1] The fas-

[1] The standard histories rarely mention him, and even the special studies in English have done him scant justice. An exception is Chester W. Clark's *Franz Joseph and Bismarck: The Diplomacy of Austria before the War of 1866* (Cambridge, Mass., 1934), which includes a careful treatment of Manteuffel's policy as Governor of Schleswig.

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cination which Bismarck's personality has exercised upon the minds of foreign students is perhaps chiefly responsible for this but can scarcely justify it; for Manteuffel is easily the most important of the " political generals " who crowded the German stage in the nineteenth century. For forty years he served the Prussian state in a variety of capacities. He was active in the backstage politics of the revolutionary year 1848 and had considerable influence in the drafting and revision of the Prussian constitution. In the 1850's he was despatched on frequent diplomatic missions, especially during the Crimean War, and demonstrated a high degree of talent as a negotiator.[2] From 1857 to 1865 he was Chief of the Military Cabinet, the King's private military bureau, and of the Division for Personal Affairs in the War Ministry, the office which governed officer selection. In the wars of 1866 and 1870 he was conspicuously successful as a field commander and, in recognition of this, was appointed commander of the troops which occupied France until 1873. Finally, after a retirement of six years, broken frequently by diplomatic missions, he ended his career as *Statthalter* in Alsace-Lorraine from 1879 until his death in 1885.[3]

The career thus hastily sketched was active and honorable, but it fell far short of Manteuffel's own hopes. An avid reader of history and a life-long friend of Ranke,[4] he was also an incurable romantic. Thus, in his study of the past, his imagination was captured by figures like Epaminondas and Hannibal

[2] See Kurt Borries, *Preussen im Krimkrieg* (Stuttgart, 1930), pp. 168 *et seq.*, 260 *et seq.*

[3] A good brief account of Manteuffel's career will be found in Kurt von Priesdorff, *Soldatisches Führertum* (Hamburg, 1936), VII, 150-167. See also the article by B. von Poten in *Allgemeine deutsche Biographie* (Leipzig, 1906), LII, 176-186.

[4] After Manteuffel's death, Ranke wrote: "He had more understanding of my writings and a greater spiritual sympathy than was granted me elsewhere in the world." Leopold von Ranke, *Sämmtliche Werke* (Dritte Gesamtausgabe, Leipzig, 1890), LIII-LIV, 653. See also Elisabeth Schmitz, *Edwin von Manteuffel als Quelle zur Geschichte Friedrich Wilhelms IV* (Berlin, 1921), pp. 76-77; Ludwig Dehio, "Manteuffels politische Ideen", *Historische Zeitschrift*, CXXXI (1925), 45-46; Wilhelm Gradmann, *Die politischen Ideen Edwin von Manteuffels und ihre Auswirkungen in seiner Laufbahn* (Düsseldorf, 1932), esp. pp. 24 *et seq.*, and the many letters from Ranke to Manteuffel in Ranke, *Neue Briefe*, edited by Bernard Hoeft and Hans Herzfeld (Hamburg, 1949).

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and Wallenstein, men who had combined in their persons both military and political genius. It is not difficult to infer, from his own correspondence, that he sought to model his career after these giants of the past and to become the greatest soldier and the greatest statesman of his own age.[5] This dream was never fulfilled; and, despite the honors that crowded his last years, Manteuffel must have died with a sense of failure. Certainly his later career was embittered by his knowledge that his military triumphs had gone without popular recognition and that his accession to political eminence was made impossible by the tremendous prestige of Bismarck. The honors of his position as a *Statthalter* were overshadowed by the realization that, in the eyes of most future historians, he would be not another Epaminondas but a figure of the second grade.

In his own day, Manteuffel's burning ambition caused him to be feared by the liberal opposition, to whom he was "an unwholesome man in an unwholesome place",[6] and to be regarded with tolerant amusement or resigned irritation by his colleagues, to whom he seemed "a fantastic corporal"[7] or a "Bayard with a faint touch of Don Quixote".[8] Yet there was, in his ambition, nothing ignoble. Even Bismarck, who thought Manteuffel a dangerous rival, admitted that "Manteuffel is of noble metal. For him reason of state far transcends personal interest."[9] Schweinitz, the long-term ambassador in St. Petersburg and one who was certainly not uncritical of Manteuffel, also minimized the element of personal ambition in his character. "A burning love for his country," he wrote, "true piety, enthusiasm for the noble and the sublime filled this true Prussian heart;

[5] Dehio, *loc. cit.*, pp. 63-64. "I thought earlier", Manteuffel wrote to Münster in St. Petersburg, "of naming my first born sons Leuctra and Mantinea."

[6] This was Carl Twesten's phrase, in his pamphlet *Was uns noch retten kann* (1861).

[7] So Bismarck in 1857. Erich Eyck, *Bismarck: Leben und Werk* (Zurich, 1943-44), I, 281-282.

[8] Alfred Dove, quoted in Dehio, *loc. cit.*, p. 42. For Ranke's judgment of Manteuffel's critics see *Neue Briefe*, p. 559.

[9] H. Goldschmidt, "Mitarbeiter Bismarcks im aussenpolitischen Kampf", *Preussische Jahrbücher*, CCXXXV (1934), 131.

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Christian humility and classical greatness of soul united in this man and made him, to whom nature had given the bent to fanaticism, a model of those virtues upon which Prussia's greatness is founded." [10]

These judgments are juster than those of observers who were alienated by Manteuffel's vanity or who saw in him only the self-seeker. If Manteuffel yearned for greatness he did so only that his greatness might give him an opportunity to serve his country. Unlike the star-struck Wallenstein of Schiller's drama—the complete text of which Manteuffel was reputed to have memorized—the fantasy in his own temperament was held in check by a deep religious sense and a complete devotion to the Prussian state. He lived—as Elisabeth Schmitz has written—in a world of the Kantian categorical imperative with its stern postulates which were so well adapted to the life of the Prussian officer.[11] Whatever his private dreams, the guiding passion of his life was duty to his God and his King.

Manteuffel's political philosophy was as simple as his fundamentalist religious faith. He was a dogmatic royalist who believed that the greatness of the Prussian state depended upon the strength of the Prussian Crown which had created it.[12] Sovereignty was, he held, embodied in the person of the Prussian King and, if Prussia were to continue to survive, the unrestricted nature of this sovereignty must be maintained. This involved not only implacable hostility to any idea of popular sovereignty but also rejection of the theories of constitutional parliamentary government as practiced in England and Belgium. Above all, there must be no weakening of the royal *Kommandogewalt*, the King's absolute right of control over the army. In the last analysis, the state would be ruled by whoever controlled the military establishment. As a politician,

[10] W. von Schweinitz, ed., *Denkwürdigkeiten des Botschafters H. L. von Schweinitz* (Berlin, 1927), I, 242-243. See also Prinz Kraft zu Hohenlohe-Ingelfingen, *Aus meinem Leben* (Berlin, 1897-1907), III, 172.

[11] Schmitz, *op. cit.*, pp. 73 *et seq.* On Manteuffel's religion see also his letters to his son Hans Karl in *Deutsche Revue*, XXXVIII (3) (1913).

[12] L. Dehio, "Edwin von Manteuffel und der Kaiser", *Deutsche Rundschau*, CCVI (1926), 42.

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Manteuffel always regarded the army issue as crucial and, throughout his career, was the indomitable defender of the military prerogative of the Crown.

He had served in that capacity in 1848, when the King's power over the army had for the first time been seriously challenged. On 18 March 1848, when Berlin rose in revolt, Manteuffel, a relatively junior officer assigned as aide-de-camp to Prince Albrecht of Prussia, found himself in the royal palace. On his own responsibility, he elected to remain there and, in the feverish and confused debates that took place among the royal advisers, he took a rather more prominent part than was justified by his rank. On 19 March, as the military situation in Berlin deteriorated and the troops began to withdraw from the city, he boldly urged the King to go with them and to continue the fight.[13] Friedrich Wilhelm IV, however, hesitated to accept counsel which presupposed a continuation of the civil strife and, allowing the troops to withdraw from Berlin without him, threw himself upon the mercies of his subjects. Manteuffel wrote, years later, that this surrender of the King represented a dangerous abandonment of "the military principle" which was inherent in the Prussian system and an almost irreparable concession to the spirit of revolution.[14] Inevitably it encouraged the representatives of the Prussian people to try to consolidate their success by placing permanent limits upon the King's military prerogatives.

Perhaps unfortunately for the cause of liberalism in Prussia,

[13] Felix Rachfahl, "König Friedrich Wilhelm IV und die Berliner Märzrevolution im Lichte neuer Quellen", *Preussische Jahrbücher*, CX (1902), 441. One of the senior officers present said: "Manteuffel, what responsibility are you taking on yourself?" He answered: "All responsibility before God and man, where no one else has any advice and it is a matter of the King's security." See also E. L. von Gerlach, *Aufzeichnungen aus seinem Leben and Wirken* (Schwerin, 1903), II, 240. On the previous day, Manteuffel had strongly opposed the King's withdrawal from the city. Rachfahl, *loc. cit.*, pp. 302-303. This, however, was before it was clear that the troops would have to withdraw.

[14] Roon Papers: Manteuffel to Albrecht von Roon, 8 April 1862. These papers, among the captured German documents now in the National Archives, Washington, D. C., include some 120 letters from Manteuffel to Roon, written during the years 1859-1866. Many of these, but by no means all, have been published, but the collection remains a highly important source for students of the *Konfliktszeit*.

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the subsequent attack upon royal control of the army, while fierce and sustained, was not systematic. In the second United *Landtag* and later in the National Assembly, there was much talk of replacing the standing army with a genuinely popular militia; there were demands that the existing military establishment be liberalized by reform of military education, abolition of separate military courts of justice, the granting of full civil rights, including the right to vote, to all soldiers, and the dismissal of reactionary officers; [15] there were even attempts to interfere with the King's power of command and to veto his choice of commanding generals in the field.[16] Had these various demands been formulated as a constructive program and had the Assembly at the same time acted quickly to write them into a constitutional draft acceptable to the majority of its members, the royal *Kommandogewalt* might have been seriously restricted.[17] This, however, was not the case; and for a number of reasons—the growing split between liberals and democrats in the Assembly, the increasing desire of the middle classes for a termination of popular disorders, the unexpected stubbornness of the King when his own rights were involved,[18] and the general waning of revolutionary ardor [19]—the attack on the military prerogatives of the Crown faltered and finally came to a halt. After November 1848, when Wrangel's troops reëntered Berlin without opposition, the liberals abandoned most of their demands and concentrated upon a campaign to force the army to take an oath to the constitution. Even this demand, however—although it enraged or frightened supporters

[15] Reinhard Höhn, *Verfassungskampf und Heereseid: Der Kampf des Bürgertums um das Heer, 1815-50* (Leipzig, 1938), esp. pp. 145 *et seq.*

[16] See Leopold von Gerlach, *Denkwürdigkeiten* (Berlin, 1892), I, 163-164; Karl Haenchen, *Revolutionsbriefe 1848* (Leipzig, 1930), pp. 97-101, and 101 n.

[17] See the criticism of the Assembly's tactics in Fritz Hartung, *Deutsche Verfassungsgeschichte vom 15. Jahrhundert bis zum Gegenwart* (2. Aufl., Leipzig, 1922), pp. 152-153. See also Veit Valentin, *Geschichte der deutschen Revolution, 1848-49* (Berlin, 1931), II, 47 *et seq.*, 289-290.

[18] R. Stadelmann, *Soziale und politische Geschichte der Revolution von 1848* (Munich, 1948), p. 63.

[19] *Ibid.*, p. 97; Stephan Born, *Erinnerungen eines Acht-und-Vierziger* (Leipzig, 1898), p. 116.

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of the Crown [20]—was not realized. No army oath was provided for in the constitution which was promulgated on 5 December 1848 and, despite some rather ambiguous promises by the King, this omission was not made good in the revised constitution of 1850.[21]

The liberal failure in 1848, however, appears much more decisive to historians than it did to contemporaries. Edwin von Manteuffel was certainly impressed less by the ultimate victory of the Crown than he was by the narrow margin by which disaster had been avoided. How narrow it had been, he had very good reason to know, for he was seldom very far from the center of power. In April 1848 he had been appointed *Flügeladjutant* to the King; at the same time, he became an increasingly active associate of Generals von Rauch and von Gerlach, the Chiefs of the so-called *ministère occulte*.[22] In his later years, indeed, Manteuffel said that his period of greatest personal power was the period 1848-1850, when it was his duty "to be a rock and to offer opposition to the party of movement" and when his name stood high on the proscription list of the revolutionary party.[23]

Allowing for an element of exaggeration which often crept into Manteuffel's judgments of his own past, there is a good deal of truth in this. It is clear that he played an important rôle in the abrupt dismissal of the Assembly in December 1848, which preceded the promulgation of the constitution.[24] More important, he had striven with some success to keep that document as innocuous as possible. He later told Leopold von Gerlach that it was he who had persuaded the King to delete

[20] Max Jähns, *Feldmarschall Moltke* (Berlin, 1900), p. 167; Höhn, *op. cit.*, pp. 343 *et seq.* Hohenlohe-Ingelfingen wrote later that the imposition of a constitutional oath on the army "would have greatly contributed to undermining order in the armed establishment, forcing the troops into political activity, making it their duty to pass judgment on their officers and thereby making anarchy permanent." *Aus meinem Leben*, I, 77.

[21] Höhn, *op. cit.*, p. 358.

[22] Gerlach, *Denkwürdigkeiten*, I, 150, 502.

[23] R. Schmidt-Bückeburg, *Das Militärkabinett der preussischen Könige und deutschen Kaiser* (Berlin, 1933), p. 52.

[24] Haenchen, *op. cit.*, pp. 247 *et seq.*

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the army oath from the ministry's constitutional draft; [25] and he seems also to have been successful in placing restrictions upon the budgetary powers provided in the constitution for the lower house of the parliament.[26] All in all, if the Prussian constitution of 1848-50 was, as has been claimed, a mere *charte* which preserved the original nature of the divine-right monarchy,[27] Edwin von Manteuffel was at least partly responsible.

Yet the fact that Prussia now had a written constitution, and that the King was pledged to defend it, proved that the royal victory was by no means completely decisive.[28] By its recognition of the principle of ministerial responsibility and of parliamentary control over the budget, the constitution gave important powers to the liberal opposition, and powers which affected, or could affect, the army. Manteuffel, therefore, although he had coöperated in the drafting of the document, had done so very reluctantly and he had bitterly, although vainly, opposed the idea of the King taking an oath to defend the constitution. He recognized that the liberal opposition had won a *point d'appui* that they had not had before 1848, and he looked to the future with gloomy anticipation, confidently expecting new political convulsions and hoping that, when they came, he would be privileged to stand at the King's side.

II

The second phase of the struggle begun in 1848 was not long delayed. The introduction of the army reform bill in 1860 brought differences between Crown and parliament in its wake, and the state was soon involved in a constitutional conflict

[25] Schmitz, *op. cit.*, p. 61; Höhn, *op. cit.*, pp. 347-348.

[26] Schmitz, *op. cit.*, p. 61; Ranke, *Neue Briefe*, p. 561.

[27] H. von Srbik, *Deutsche Einheit* (Munich, 1935 *et seq.*), I, 391-392; Fritz Hartung, *Volk und Staat in der deutschen Geschichte* (Leipzig, 1940), pp. 212-213; Kurt Kaminsky, *Verfassung und Verfassungskonflikt in Preussen, 1862-66* (Berlin, 1938), pp. 19 *et seq.*; Valentin, *op. cit.*, II, 291 *et seq.*; Stadelmann, *op. cit.*, pp. 149-150.

[28] That the King himself sensed this is shown by his reluctance to take the oath to the constitution and his complaints after he had done so. See Gerlach, *Denkwürdigkeiten*, I, 391, 400 *et seq.*, 708; H. von Petersdorff, *König Friedrich Wilhelm der Vierte* (Stuttgart, 1900), pp. 165 *et seq.*

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which, in duration and bitterness, transcended that of the earlier period.

Historians have long speculated whether the conflict of the 1860's was not avoidable. There seems no reason to doubt Erich Brandenburg's judgment that the original motivation of the army reform was technical rather than political.[29] The new ruler—the Regent, Prince Wilhelm, later King and Emperor—had long been conscious of the inadequacies of his army and was convinced that, unless they were corrected, Prussia could not hope to play a rôle in European politics commensurate with her position as a Great Power.[30] The liberals in the *Landtag*, critical of the weakness of Prussia's foreign policy in the last decade, had no objection in principle to the introduction of necessary reforms.[31] There was no apparent reason, therefore, why major disagreements should develop.

The political atmosphere in Prussia, however, was still poisoned by the memory of 1848, and objective consideration of the proposed reforms was almost impossible. If the liberals, in theory, believed that Prussia should have a stronger army, they nevertheless suspected that the Crown had ulterior motives in demanding it and that the enlarged army would be used, not to strengthen Prussia's power position, but rather to suppress civil liberties at home. Their fear in this respect was reinforced by specific features of the proposed reform, notably the measure to increase the army of the line at the expense of the *Landwehr*,

[29] Erich Brandenburg, *Die Reichsgründung* (Leipzig, 1916), I, 444. For opposing views, see Max Lenz, *Geschichte Bismarcks* (4. Aufl., Munich, 1913), pp. 116 *et seq.*; and E. R. Huber, *Heer und Staat* (2. Aufl., Hamburg, 1943), pp. 242-243. In 1863, Albrecht von Roon wrote his friend Perthes that, at the time of the introduction of the army reform, he had had no political designs and had been "guided solely by technical motives." See R. Hübner, *Albrecht von Roon: Preussens Heer im Kampf um das Reich* (Hamburg, 1933), p. 84.

[30] For Wilhelm's interest in reform, see Erich Marcks, *Kaiser Wilhelm I* (4. Aufl., Leipzig, 1900), pp. 110-111; and Freiherr von Loë, *Erinnerungen aus meinem Berufsleben* (2. Aufl., Stuttgart, 1906), pp. 26 *et seq.* On the demonstrated weaknesses of the army during the mobilization of 1859, see F. Löwenthal, *Der preussische Verfassungsstreit, 1862-1866* (Altenburg, 1914), pp. 24 *et seq.*; and *Aus dem Leben Theodor von Bernhardis*, edited by Friedrich von Bernhardi (Leipzig, 1893-1906), III, 243-244.

[31] Alfred Vagts, *A History of Militarism* (New York, 1937), p. 204.

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reducing the latter in size and relegating it to a subordinate position in the armed establishment, and the proposal to increase the term of military service from two to three years. To all liberals the *Landwehr* was a living reminder of the popular rising of 1813; and, since it was a civilian force led largely by officers elected from the ranks, it seemed a healthy counterbalance to the caste-dominated, ultraconservative line army.[32] "We cleave to the *Landwehr*", wrote one liberal, "with religious fanaticism, with the whole weight of our youthful memories."[33] The liberal majority in the Prussian Chamber, therefore, opposed the reform bill of 1860 and finally forced the government to withdraw it.

While understandable, the liberal attitude was probably oversuspicious of royal intentions. It was certainly unfortunate in its results.[34] The military advisers of the Prince Regent began to sense some secret design behind the liberal objections. That indefatigable note-taker, Theodor von Bernhardi, talked with former War Minister von Stockhausen in March 1860, and found the general filled with dark forebodings. The opposition in the Chamber, he said, were seeking to replace the professional army with a people's militia, and their defense of the old *Landwehr* was a clear indication that they were planning another *Revolutiönchen*.[35] In the royal entourage even men who were far from reactionary in their views began now to be oppressed by memories of 1848 and to suspect the liberals of deliberately precipitating a new fight for control of the state. As for the inveterate opponents of constitutionalism, they now saw their worst suspicions confirmed and raised their voices to demand a counteroffensive against the liberal conspiracy.

[32] Egmont Zechlin, *Bismarck und die Grundlegung der deutschen Grossmacht* (Stuttgart, 1930), pp. 173-181.

[33] Eyck, *op. cit.*, I, 344.

[34] Heinrich von Sybel argued that the liberal position was also tactically unsound. Since the liberals had a majority in the Chamber, they had an opportunity to make the army reform their own, subsequently claiming credit for its passage and strengthening their position as the governmental party. Instead they were trying to act as both governmental party and opposition and were playing directly into the hands of the reaction. *Aus dem Leben Bernhardis*, III, 313-314.

[35] *Ibid.*, p. 279.

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Chief among this last group was Edwin von Manteuffel, now *Generalmajor* and Chief of the Military Cabinet, a position of tremendous power and one which gave him frequent access to the sovereign. For him, the liberal opposition to the army reform was clearly a resumption of the struggle of 1848; and he threw himself into the fight with vigor and with a kind of solemn joy. He felt that the decisive hour of the Prussian monarchy was approaching; and he saw himself as another Strafford, standing beside the sovereign in the great crisis and, if necessary, giving his life that the royal position might be maintained.[36]

Like Strafford also, Mauteuffel called for the policy of Thorough; and it is this that makes his rôle in the constitutional struggle important. From 1860 to 1866 he was the leader of that party in the state that rejected all idea of compromise with the opposition and called for an imposition of the royal will even at the cost of civil war. The policies which he advocated, indeed, seemed at times designed to provoke revolution, on the assumption that the subsequent suppression of the rebels would enable the Crown to dispense with the constitution and re-establish the pre-1848 political system.

Had be been called upon to justify his position, Manteuffel would probably have maintained that the issues were too important for half measures. The habit of seeing your opponent's point of view and attempting to meet him half way was disastrous when the very fate of the monarchical principle was at stake. Failure to be strong in 1848 had proved this point all too clearly. "I have always found in my twelve years of experience in revolutionary life", Manteuffel wrote to War Minister von Roon, "that when a question of principle rises, all the world counsels concession and compromise and advises against bringing matters to a head; and that when this or that minister has acted upon these rules of prudence and the momentary mood has passed, then everyone says: 'How could he have

[36] ". . . [Manteuffel's] ideal was Lord Strafford in prison, who, when he was condemned to death for his royalism, wrote to his King pleading that he confirm this death sentence, since his execution was at this moment the only possible salvation for the monarchy." Hohenlohe-Ingelfingen, *op. cit.*, III, 172.

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given in like that? ' " [37] He was determined that no such question would be raised in his own case. If his advice were followed, there would be no surrenders to complain of.

Manteuffel's influence was clearly at work in the determination of the tactics followed by the Crown after the withdrawal of the army reform bill in May 1860. At the beginning of the year, the Prince Regent had taken the first steps toward realizing his desired reform by authorizing the creation of certain new " combined regiments ", designed to replace existing *Landwehr* units.[38] Once the government had been forced to withdraw its reform bill, however, the legality of the new formations was dubious; and it remained so even after the Chamber had, in May 1860, made a provisional grant of funds for the army. This *provisorium* was voted on the understanding that it would be used only to strengthen existing army units and that it would not prejudice later parliamentary decisions with regard to the proposed reforms.[39] Strictly speaking, then, the new combined regiments should have been disbanded. The Regent hesitated, however, to give them up; and he was encouraged in this by his Chief of Military Cabinet. Manteuffel, indeed, urged that, despite the Chamber's action, the units should be organized definitely, commissioned and entered into the line of battle. Either to disband them or to consider them provisional formations would be an admission that the Chamber had the right to determine the strength and organization of the army. " I consider the state of army morale and its inner energy imperilled and the position of the Prince Regent compromised ", he wrote to Roon, " if these regiments are not established definitively at once." [40] " Your Excellency said recently that to make the army really strong is the best and most influential measure against the attacks of the opposition—and I am also convinced of that. Reasoning helps little; facts convince." [41]

[37] Roon Papers: Manteuffel to Roon, 11 March 1860.

[38] Löwenthal, *op. cit.*, p. 44.

[39] *Ibid.*, pp. 41-44; Brandenburg, *op. cit.*, I, 422-423.

[40] Roon Papers: Manteuffel to Roon, 29 May 1860.

[41] *Ibid.*, 26 June 1860.

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Manteuffel was using similar arguments in his talks with the Regent [42] and was apparently pleading his cause well, for, in the last months of 1860, Wilhelm proceeded to issue the desired orders to the new regiments. Moreover, after the death of his brother and his own succession to the royal title, Wilhelm went a step further. He announced that, on 18 January 1861, he would dedicate the standards of the new regiments at the tomb of Frederick the Great. A gesture so provocative was sure to cause a sharp deterioration of relations between Crown and parliament, a prospect which did not please the more moderate members of the opposition. Accordingly they sent one of their number, Minister Auerswald, to Manteuffel, urging him to dissuade the King from proceeding with the ceremony. Auerswald found Manteuffel delighted with the royal announcement and in his most arrogant mood. Coldly he said:

> I do not understand what Your Excellency desires. His Majesty has ordered me to arrange a military ceremony. Am I to renounce this because there are a number of people sitting in a house in the *Dönhoffplatz*, who call themselves a *Landtag* and who may be displeased with this ceremony? I fail to see how these people concern me. As a general, I have never yet been ordered to take my instructions from these people.[43]

The dedication, then, took place as scheduled; and it has justly been considered the decisive event in securing the success of the military reforms.[44] The future organization of the army and the fate of the *Landwehr* had, in effect, been decided by a royal *fait accompli*. The action enraged liberal opinion; and, throughout the parliamentary session of 1861, there were heated attacks against the military caste and considerable talk about cutting the military budget.[45] But the moderate liberals still hesitated to take up the gage thrown down by the Crown, and they ended the rhetorical exercises by

[42] *Ibid.*, 17 July 1860.

[43] Hohenlohe-Ingelfingen, *op. cit.*, II, 255-256.

[44] See, for instance, Zechlin, *op. cit.*, p. 183.

[45] Löwenthal, *op. cit.*, pp. 49-50.

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making another provisional grant of funds to the government, insisting, however, that in the next session a comprehensive military service law be placed before the Chamber for consideration.

This timid action should have been enough to convince the King that Manteuffel's talk of a liberal conspiracy against the Crown was, at the very least, exaggerated. But Wilhelm was so irritated by attacks on his beloved army that his mind was closed to cooler calculations and, in any event, his attention was now diverted by another theatrical gesture on the part of his Chief of Military Cabinet. In the spring of 1861, an obscure city councilor named Carl Twesten wrote a broschure in favor of retention of the two-year-service law, in the course of which he accused the Military Cabinet, and Manteuffel personally, of seeking to divorce the army completely from the Prussian people and warned that this could easily "produce an atmosphere of distrust and hostility between the military and civil society such as existed in its fullest flower before 1806."[46] Manteuffel immediately placed before Twesten the alternatives of withdrawing his views[47] or fighting a duel, and, when Twesten chose the latter, shot him through the arm.

Before proceeding with this *opera bouffe* affair—which gave wide publicity to a pamphlet which would otherwise have dropped into obscurity—Manteuffel informed all of his associates that his action was necessitated by the fact that Twesten was a tool of the secret revolutionary party which was plotting to overthrow the state. He doubtless believed this himself[48] and he certainly convinced the King that it was true; for Wilhelm, far from being outraged by the presumption of his cabinet chief, wrung his hands in despair at the thought that he might be expected to punish Manteuffel for his courage. He wrote to his War Minister:

[46] *Was uns noch retten kann*, esp. pp. 61, 77-82.

[47] Manteuffel did not restrict his demand to a withdrawal by Twesten of personal remarks about him but demanded, in effect, that he renounce the entire contents of his pamphlet. This Theodor von Bernhardi, among others, found completely unjustifiable. *Aus dem Leben Bernhardis*, IV, 131-132.

[48] Schmitz, *op. cit.*, pp. 42-43.

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> At this moment, to be deprived of Manteuffel's services, to have him hunted out of my presence by the triumph of democracy—the bother that this event will cause in my intimate circle—these are things which can rob me of my senses because they impress yet another unhappy stamp upon my reign. *Wo will der Himmel mit mir hin!* [49]

Manteuffel, characteristically, insisted upon being punished and spent some weeks in fortress detention at Magdeburg, playing the rôle of Strafford with great enjoyment. "The more severe the King seems to me here," he wrote Roon on 6 July, "the better position he and your Excellency will be in to be severe to the other side . . . Liberalism and Jacobinism and Parliamentarianism." He urged Roon to stiffen the King's resistance and to remind him of the words of Maria Stuart, in Schiller's drama: "*Bleibt bei der Sache, Lord, und weicht nicht aus.*" [50]

Such warnings, however, were now scarcely necessary. Events in the latter half of 1861 caused a virtual panic in royal circles and created precisely the emotional atmosphere which was most favorable to Manteuffel's plans. The principal cause of this was a marked shift to the left on the part of parliamentary liberalism, the foundation of the *Deutsche Fortschrittspartei* and the decisive victory of this party in the *Landtag* elections of 6 December. Now the strongest single party in the Chamber, the *DFP* called for a much more aggressive program than the moderate liberal groups which had dominated the Chamber since 1859; it was pledged to the progressive development of the constitutional system, the reform of the upper house and a more complete realization of the principle of ministerial responsibility; and, with respect to the army, it was insistent upon retention of the two-year service, maintenance of the *Landwehr* and close supervision of the military budget.[51]

The program and the electoral victory of the *DFP* caused

[49] Albrecht Graf von Roon, *Denkwürdigkeiten* (Berlin, 1905), II, 21.

[50] Roon Papers: Manteuffel to Roon, 6 July 1861.

[51] Kaminsky, *op. cit.*, pp. 60-61; Eyck, *op. cit.*, I, 370-371; Zechlin, *op. cit.*, pp. 201-202.

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consternation among the King's military advisers. In a conversation with Max Duncker at the beginning of January 1862, Colonel von Seidlitz said: "In high military circles, they are afraid of everything. They are talking of a *coup d'état;* they suspect a great revolution." [52] In this atmosphere, it was easy for Manteuffel to persuade the King to make military preparations against the time of trouble. In the course of 1861, his friend General Hiller von Gärtringen, who had carried the challenge to Twesten, had prepared an elaborate plan of campaign for the expected fight for Berlin. This involved the immediate strengthening of the Berlin garrisons; the placing of artillery in prepared trenches at Windmühlenberg and light mortars on the roof of the *Schloss;* the withdrawal of the royal family from Berlin at the first sign of disorder—obviously a reflection of Manteuffel's memories of March 1848; and a systematic and remorseless conquest of the city by the army.[53]

In the months preceding the elections this plan was discussed thoroughly in the Military Cabinet and in the presence of the King; and in January 1862 the King adopted a modification of the Hiller-Manteuffel plan. In the event of a rising in Berlin, this envisaged the employment against the rebels of 34,500 infantry and engineers, 16,000 horse and 100 field pieces, the local units operating outward from the area of the *Schloss* and the provincial regiments enveloping and assaulting the city from without. Sealed orders were sent to the units which would be used in this campaign, with instructions that they were to be opened only upon telegraphic advice. These orders included explicit instructions that negotiations with the rebels would be considered a violation of military honor and that officers surrendering their posts to the rebels would be tried by military tribunal.[54]

[52] Max Duncker, *Politischer Briefwechsel aus seinem Nachlass* (Stuttgart, 1923), p. 305, Bd. XII of "Deutsche Geschichtsquellen des 19. Jahrhunderts", edited by J. Schultze.

[53] Ludwig Dehio, "Die Pläne der Militärpartei und der Konflikt", *Deutsche Rundschau,* CCXIII (1927), 93-94.

[54] *Ibid.*, pp. 94 *et seq.* These orders were not called back until after the end of the Danish War in 1864.

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This was, ostensibly, a defensive plan, a necessary precaution against the threat of revolution; but there is every reason to believe that the leading spirit behind it, Edwin von Manteuffel, was eager to have it put into effect, even if he had to provoke the Chamber into revolution. And Manteuffel's influence seemed never greater than it was during the first months of 1862; both the King and Manteuffel's nominal superior, War Minister Roon, were apparently completely under his spell. In March 1862—after the Chamber had refused the two-year-service law, rejected the government's request for funds and demanded a complete itemization of the budget [55]—Manteuffel not only urged dissolution of the Chamber but insisted that, because of its inability to control the Chamber, the ministry should be purged of its liberal members and reformed in a conservative direction.[56] When both these measures were taken, Bernhardi recognized them as a sign that Manteuffel had reached the goal toward which he had been working "with shrewd calculation".[57] There were, indeed, indications that strong action was not far off. On 23 March, Bernhardi spent the evening with Roon, and the War Minister expressed the opinion that, if the forthcoming elections were unfavorable to the government, it could hardly be expected "to sheathe its sword and retreat." Bernhardi said: "Then we may be in position in June in which a *coup d'état* is unavoidable"; and Roon answered: "On that I am determined." [58] Bernhardi was inclined to dismiss this as scare talk, but three days later General Peucker told him that the new ministry expected a rising before the May elections, and was confident that it would be suppressed and would be followed by a thoroughgoing political reaction. Peucker added that troops in Berlin were restricted to their quarters and that live ammunition had already been distributed. Bernhardi wrote in his diary: "I am convinced that

[55] On this, see Löwenthal, *op. cit.*, pp. 69 *et seq.*; Kaminsky, *op. cit.*, pp. 61 *et seq.*; A. Wahl, *Beiträge zur Geschichte der Konfliktszeit* (Tübingen, 1914), pp. 13-14.

[56] Roon Papers: Manteuffel to Roon, 7 March 1862.

[57] *Aus dem Leben Bernhardis*, IV, 238.

[58] *Ibid.*, pp. 255-256.

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these things emanate not from Roon and the ministers but from a quite different source" [59]—presumably from Manteuffel.

In these weeks following the dissolution of the *Landtag*, the constitutional conflict came to full crisis. The military, in Max Duncker's phrase, were " panting after riots, like the hart after the waterbrooks "; and had there been even a minor outbreak of disorder in Berlin, it seems probable that the secret orders would have been put into effect. In that case, Manteuffel might very well have realized his dream of entering the pages of history as the great soldier-statesman in Prussia's critical hour. For the kind of warfare that would have ensued in Berlin he had a stronger will than Roon and more military ability than Wrangel; [60] and, once his plans had led to the complete suppression of the rebels, he would have earned the right to direct the backward revision of the constitution. Indeed, throughout the spring and summer of 1862, there was talk, at least in the reactionary group headed by the Gerlachs and Kleist-Retzow, of elevating Manteuffel to the position of Minister President.[61]

Manteuffel's great hour, however, never arrived. At this crucial moment in Prussian affairs, both the King and Roon began to entertain doubts concerning the advisability of bringing matters to a head. At the beginning of April, the King—in despair over the opposition of the Chamber—intimated that he was confronted with a choice between concessions to the opposition or abdication. This horrified Manteuffel, and he pleaded with the King to stand firm. As he wrote later:

> I told the King that I had advised him four years ago that we were living in a revolution; but the question was whether he would act like Charles I and Louis XVI and allow power to be

[59] *Aus dem Leben Bernhardis*, IV, 260.

[60] In the event of fighting in Berlin, Wrangel was to be over-all commander of the troops. See Dehio in *Deutsche Rundschau*, CCXIII, 96. On Wrangel's talents, or lack of them, see Valentin, *op. cit.*, II, 246 *et seq.* For a more favorable account, see F. von Meerheimb, " Graf von Wrangel ", *Militärwochenblatt, Beihefte* (1877, nr. 7), pp. 355-418.

[61] Gerhard Ritter, *Die preussischen Konservativen und Bismarcks deutsche Politik* (Heidelberg, 1913), p. 69.

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> wrested from his hands before it came to an open fight. Today he still had power and had the army; if, however, he gave way at the expense of the army, in order to secure favorable election results, he would still not secure that objective but would only shake the army's confidence in his firmness.[62]

Roon too was wavering and was beginning to think that it might be wise to surrender on the three-year-service term.[63] In a long letter of 3 April 1862, Manteuffel tried to convince him that compromise at this stage of the conflict would be fatal. "I recognize no advances in the battle except with weapons in hand!", he wrote, "and we are in the middle of the battle." He pointed out that the King had identified himself with the three-year term. "How can the three-year service be given up during his reign, without bringing shame upon the personal position of the All Highest? . . . The army will not understand it; its confidence in the King will be shaken; and the consequences for the internal condition of the army will be incalculable." The fight must go forward unless a Chamber favorable to the Crown is elected. If this does not happen, then "we shall see bloody heads, and *then* good election results will come. . . . The sense of my long speech is this. The views of the King must be maintained; nothing must happen which compromises him; concessions lead to ruin; in firmness there is no danger."[64]

If these arguments were intended to persuade the King and Roon that the time for a *coup d'état* had arrived, they failed of their purpose. However much Manteuffel might yearn for bloody heads and the kind of open conflict that would justify an all-out assault upon the defenders of constitutionalism, he found that his superiors were afraid to take the responsibility

[62] Dehio in *Deutsche Rundschau*, CCXIII, 99. Wrangel told the King that abdication would be desertion in the face of the enemy and threatened him with the mutiny of the whole army.

[63] On Roon's attitude during the constitutional conflict, see Andrea von Harbou, *Dienst und Glaube in der Staatsanschauung Albrecht von Roons* (Berlin, 1936), pp. 68, 73 *et seq.* Erich Marcks, *Männer und Zeiten* (Leipzig, 1912), I, 317 *et seq.*, is also useful.

[64] Roon Papers: Manteuffel to Roon, 3 April 1862. See also the letter of 8 April, cited in footnote 14 above.

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for resort to the *ultima ratio*. And that meant, of course, that it would be impossible to put the plans of January 1862 into effect unless the opposition in the Chamber took the initiative and themselves precipitated a revolution. It became rapidly apparent that the liberals had no intention of doing that. Despite its aggressive program, the *DFP* did not want to fight a revolution to secure it. Predominantly drawn from the middle economic groups, its members remembered the disorders of 1848 with something less than pleasure; and, in any case—as Johannes Ziekursch has written—barristers and business men do not man barricades.[65] The *DFP* relied upon its parliamentary strength, which was further increased in the elections of May 1862, and believed that the Chamber's budgetary powers would be enough to break the royal will.[66]

With both sides refusing then to make the final resort to force, the conflict became purely parliamentary in nature. In such a contest, Manteuffel could not hope to play a dominant rôle; decisions on questions of principle and tactics would be made, in the last analysis, by the King's ministers who had to face the opposition in parliament. Nevertheless, his influence, even if necessarily indirect, was far from negligible, thanks to his intimacy with the King and the War Minister. The friendship with Roon was, it is true, subject to considerable strain, for the choleric War Minister was increasingly irritated by the vanity and arrogance of the cabinet chief.[67] But the King retained his confidence in Manteuffel's counsels and often preferred them to those of his ministers. That fact rapidly became apparent as Bismarck entered upon the stage and assumed the direction of the fight to maintain the royal prerogative.

Even before Bismarck had been seriously considered as potential Minister President, there had been a perceptible coolness

[65] Johannes Ziekursch, *Politische Geschichte des neuen deutschen Kaiserreiches* (Frankfurt, 1925 *et seq.*), I, 64-65. See also Hartung, *Volk und Staat*, pp. 214-215; *Aus dem Leben Bernhardis*, IV, 328.

[66] See Löwenthal, *op. cit.*, pp. 76-87; Zechlin, *op. cit.*, pp. 275-276.

[67] See Roon Papers: Manteuffel to Roon, 19 February 1862. As early as October 1859, writing of Manteuffel to his wife, Roon had said: "What frightful vanity there is in this man!" Roon, *Denkwürdigkeiten*, I, 392.

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between him and Manteuffel. During his term as envoy to the German Confederation at Frankfurt, Bismarck had complained to Leopold von Gerlach that Manteuffel seemed suspicious of him and was always passing sentence on him "like a High Tribunal". However, he added cheerfully, "we can both live without loving one another, he in his assassins' den behind the *Marstall*, I at the fountain of the Danaides in the Eschenheimer Gasse."[68] Now, however, this mutual forbearance was bound to disappear; and in September 1862, when Roon persuaded the King to call Bismarck to power, a rivalry began which ended only with Manteuffel's death.[69]

Bismarck's advent was hailed by the reactionary press and regarded, on the liberal side, as a sign that a *coup d'état* was imminent.[70] In reality, however, the new Minister President did not wish to deliver himself into the hands of the reactionaries, who were unsympathetic to his ambitious foreign plans; and he was well aware that that would be the inevitable result of a royal *putsch*.[71] He realized, moreover, that sooner or later he would have to reach some kind of reconciliation with the liberals, if his national program was to be carried out. Thus, while he was determined firmly to establish the royal

[68] *Bismarcks Briefe an General Leopold von Gerlach*, ed. by Horst Kohl (Berlin, 1896), p. 338.

[69] On the latter stages of this rivalry, see especially Dehio in *Deutsche Rundschau*, CCVI, 40 *et seq.* Throughout the 70's, Manteuffel was frequently mentioned as a possible successor to Bismarck and was believed by many to be plotting against the chancellor. See, *inter alia*, Eyck, *op. cit.*, III, 68-75, 246-247, 324-325; Priesdorff, *op. cit.*, p. 165; Ulrich von Stosch, ed., *Denkwürdigkeiten des Generals und Admirals Albrecht von Stosch* (Stuttgart, 1904), pp. 247-248; Julius Heyderhoff, ed., *Im Ring der Gegner Bismarcks: Denkschriften und politisches Briefwechsel Franz von Roggenbachs* (2. Aufl., Leipzig, 1943), p. 168 n., Bd. XXXV of "Deutsche Geschichtsquellen des 19. Jahrhunderts"; Bogdan Graf Hutten-Czapski, *Sechzig Jahre Politik und Gesellschaft* (Berlin, 1935), I, 113-129. See also Manteuffel's letter of 11 August 1873 to Bismarck, disclaiming any desire for the chancellorship. *Bismarck-Jahrbuch*, ed. by Horst Kohl (Berlin, 1894), IV, 113 *et seq.*

[70] O. Nirrnheim, *Das erste Jahr des Ministeriums Bismarcks* (Heidelberg, 1908), pp. 58 *et seq.*

[71] Huber, *op. cit.*, pp. 228-229. See also Ritter, *op. cit.*, pp. 69-70; Kaminsky, *op. cit.*, pp. 72 *et seq.* Zechlin (*op. cit.*, pp. 342-343) feels that Bismarck almost certainly knew of the military plans of January 1862 but was determined to use them only as a last resort.

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Kommandogewalt and to set definite limits to parliamentary power, he had no desire to smash parliament and return to the pre-1848 system. On the contrary, he was perfectly willing to make reasonable concessions to the opposition in order to bring the domestic conflict to a close. Even after his first attempts to reach an understanding with the opposition had failed [72] and he had raised reactionary hopes by defying parliament and ruling without a budget, he kept the possibility of a deal with the liberals in mind and exploited every opportunity to make one.

Manteuffel, always fearful of compromise with the enemy, was fully aware that Bismarck could not be trusted to defend the principles in which he himself believed. As early as 4 October—within two weeks of Bismarck's assumption of office—he wrote Roon that certain recent statements by the Minister President smelled of concession and, as usual, cited the history of the Stuarts to show the folly of *Paktiren* with the opposition.[73]

The Chief of the Military Cabinet was correct at least in his suspicion that Bismarck's policy would be a tortuous one. In October, the Minister President and his friend Roon conceived an entirely new approach to the army dispute.[74] They drafted for submission to the Chamber an army service bill which provided, first, that the size of the army would henceforth be fixed at a given percentage of the population—probably one per cent. This army would consist of two elements: long-term volunteers (*Capitulanten*) comprising one third of the total force; and conscripts who would serve for only two years. To support the volunteer formations—the existence of which would presumably reduce the number of conscripts called annually—all eligible males who were placed in the *Ersatzreserve* instead of being called up, and all actual conscripts who wished to be sure that their term of service would not exceed

[72] Zechlin, *op. cit.*, pp. 324-329.

[73] Roon Papers: Manteuffel to Roon, 4 October 1862.

[74] Ludwig Dehio, "Bismarck und die Heeresvorlagen der Konfliktszeit", *Historische Zeitschrift*, CXLIV (1931), 31 *et seq.* The plan was drafted by Roon, but Dehio's argument that Bismarck was the moving spirit behind it is convincing.

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two years, would pay a special tax (*Einstandsgeld*). Finally, instead of having to pore over the complicated details of a military budget, the Chamber would henceforth automatically grant a fixed annual sum (*Pauschquantum*) per soldier in the army.

This plan could not help but be attractive to elements of the opposition, and therein lay its shrewdness. The provision for two-year service for conscripts would satisfy one of the liberals' most important demands, while the introduction of volunteer contingents and the elaborate scheme of taxes for their support seemed to promise that well-to-do young men might be exempted from active service in peacetime. Behind these concessions to the opposition, however, lay very tangible advantages for the Crown. The *Pauschquantum* scheme was a clever blow at the budgetary rights of the Chamber; and the royal *Kommandogewalt* would certainly be strengthened by the proposed removal of the questions of army strength and finance from the arena of parliamentary discussion.

It is impossible to say what effect this plan would have had if submitted to the Chamber. It seems likely that if it had not won the opposition, it might have split it. It never had a chance to do either, for it was effectively sabotaged by Edwin von Manteuffel. Doubtless moved in part by growing jealousy of Bismarck but certainly more by his hatred of concession in any form, he argued that the prospective advantages to the Crown were outweighed by the moral victory which the admission of the two-year service would give to the opposition. Moreover, to allow the peacetime strength of the army to be fixed by a law, however permanent, was to weaken the whole constitutional position of the Crown. The King had always insisted that, in military affairs, the Chamber had only a budgetary right; decisions on size, organization and command of the army were made by the King alone.[75] These arguments were perhaps not convincing to Bismarck; but they were to the King. Overborne by the eloquence of his Chief of Military Cabinet, he refused to countenance the plan.[76]

[75] Roon Papers: Manteuffel to Roon, 5 December 1862.

[76] Dehio in *Historische Zeitschift*, CXLIV, 37-41.

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Manteuffel's intervention and the King's stubbornness made it inevitable that the constitutional conflict would drag on, as it did for four years until the impact of the Danish and Austrian Wars destroyed the position of the parliamentary opposition and led them, in 1866, to sue for peace. Bismarck's conduct of the fight against the Chamber is too well known to need recapitulation here. It may be noted, however, that, as he pursued his objectives, he did not forgive Manteuffel for his part in the defeat of the *Pauschquantum* plan. Writing in September 1862, Albrecht von Stosch had confided to his diary: "Manteuffel must fall. Then Bismarck will persuade the King to accept the two-year service for the infantry and we will have peace."[77] After December 1862, Bismarck would have agreed with the first sentence of that entry. Manteuffel's regard for principle was an awkward thing, and persuading the King to any course of action was difficult when the cabinet chief was at Wilhelm's elbow.

Bismarck was too shrewd, however, to attempt to force the expulsion of his powerful adversary,[78] and Manteuffel remained as Chief of Military Cabinet and self-appointed conscience of the King until 1865. Those years brought no alteration in his principles. In February 1863, when the Chamber dared send a special message to the King, he expressed the opinion that, if he were minister, he would have the leaders of the opposition jailed for breach of the constitution.[79] In April he was detecting new ministry attempts to resort to compromise;[80] and in October he was arguing against Bismarck's German policy.[81] Throughout most of 1864, the Danish War absorbed his energies, but in 1865 his influence in the constitutional struggle was once more perceptible. Indeed, in May 1865, when the Chamber it-

[77] Stosch, *op. cit.*, p. 52.

[78] Manteuffel had his uses as far as Bismarck was concerned. During the storm of indignation over Bismarck's secret agreement with Russia in early 1863, the Minister President appears to have spread the story that it was really Manteuffel who inspired it. *Aus dem Leben Bernhardis*, V, 37.

[79] Roon Papers: Manteuffel to Roon, 2 February 1863.

[80] *Ibid.*, 21 April 1863.

[81] *Ibid.*, 9 October 1863.

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self took the initiative in seeking a reconciliation and produced a plan which met the approval of Bismarck and all the ministers, it was Manteuffel once more who prevented its realization. On 2 May 1865, he wrote to the King:

> Who rules and decides in Prussia, the King or the ministers? . . . Your Majesty's ministers are loyal and devoted, but they live now only in the atmosphere of the Chamber. If I may express my opinion, it is this: Your Majesty should hold no council but should write to Minister Bismarck saying: "Now that I have read the proposal, I have decided that the government will not agree to it." [82]

The King followed this counsel.

After this blow Bismarck was determined to secure Manteuffel's removal from Berlin, and he was seconded by Roon, whose personal and administrative differences with Manteuffel had now become insupportable. They found their opportunity when it became necessary to appoint a man of personal stature and diplomatic skill to the difficult and important post of Governor of Schleswig; and, although it was not easy, they finally persuaded the King that Manteuffel was the indispensable man for that assignment.[83] Thus, the powerful cabinet chief moved on to a new phase in his crowded career;[84] and before he returned to Berlin the Austrian War had been fought and the constitutional conflict brought finally to a close.

The conflict was liquidated by the so-called Indemnity Law of September 1866. This has quite rightly been described as a defeat for Prussian liberalism; [85] but it was far from the kind of defeat that Manteuffel had worked for. His objective had

[82] Rudolf Stadelmann, *Das Jahr 1865 und das Problem von Bismarcks deutscher Politik* (Munich, 1933), pp. 31 *et seq.*; *Aus dem Leben Bernhardis*, VI, 200.

[83] Roon Papers: Note by Roon, 13 May 1865; Manteuffel to Roon, 29 June 1865. *Aus dem Leben Bernhardis*, VI, 211; *Auswärtige Politik Preussens (1858-71)*, ed. by Erich Brandenburg, Hermann Oncken, *et al.* (Oldenburg, 1932 *et seq.*), VI, 140-141.

[84] On his policy in Schleswig and his differences with Bismarck, see especially Clark, *Franz Joseph und Bismarck, passim.*

[85] See Ziekursch, *op. cit.*, pp. 197 *et seq.*; Huber, *op. cit.*, pp. 234-235; Kaminsky, *op. cit.*, pp. 116 *et seq.*

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been a definitive victory over parliamentary pretensions, followed by a constitutional revision which would make the King's power over the army complete and indisputable for all time. The distinctive feature of the settlement of September 1866 was that it settled nothing definitively. Both parties agreed to remain silent about the issue which had been the original cause of the dispute—the army reform. The reconcilation was confined to a royal declaration that the government had violated the law in proceeding without a budget (an admission which must have wounded Manteuffel deeply) and an agreement by the Chamber to vote retroactively all of the funds withheld. Tacitly, of course, the liberals, in voting the indemnity, accepted the army reform; nor was there much hope that organized liberalism would ever again effectively oppose the King's will in military matters. But legally there had been no clarification of the basic issue—whether the Chamber could use its budgetary powers to reject or modify government plans for the organization of the army; [86] and the legal powers of the Chamber were no weaker after the conflict than they had been at the beginning. This being so, it was likely that new opposition groups would arise in time to contest the absolute supremacy of the Crown in military affairs, and the history of the later century was to give abundant proof of this. Such an indefinite result could scarcely meet the approval of Edwin von Manteuffel who was no believer in truces and who had always held that " the game must be played to the end! " [87]

III

For all his criticism of the inadequacies of the settlement of 1866, Manteuffel must have derived considerable satisfaction from one thing. Though his political principles had been flouted in the parliamentary truce, he had been able to work quietly behind the scenes and to effect changes which made the

[86] See the views of Carl Schmitt in *Staatsgefüge und Zusammenbruch des zweiten Reiches: Der Sieg des Bürgers über den Soldaten* (Hamburg, 1934), pp. 11 *et seq.*, and Löwenthal, *op. cit.*, pp. 296-297. On the disappointment of the conservatives in the settlement see Ritter, *op. cit.*, pp. 173-174.

[87] Roon Papers: Manteuffel to Roon, 5 December 1862.

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army a much more reliable instrument of royal power than it had ever been before. This achievement came as a result of his rejuvenation of the officer corps, his influence upon army education and his expansion of the power of the Military Cabinet.

"My captain", says Baron Osten in Fontane's *Irrungen, Wirrungen,* "was Manteuffel, he to whom we are all grateful for having made the army and, with the army, the victory." The praise is not entirely unjustified. When Manteuffel became Chief of the Military Cabinet in 1857, he began immediately to weed out incompetents and to eliminate from the officer corps commanders whose age seemed to impair their efficiency. The ruthless way in which he pursued this objective caused consternation in the army. Schweinitz, the future ambassador to Russia, tells us that, when he was a major, he was warned by his commanding officer to dye his hair lest his premature grayness cause his severance from the service.[88] Manteuffel's own letters in the early 60's reflect his preoccupation with the necessity of "rejuvenating the army in the higher commands and in general"; [89] and later in his life he was often to say: "That was my greatest political accomplishment; without this cleansing, the victories of 1864, 1866 and 1870 would not have been won. The officer corps at the beginning of the 50's was far worse than in 1806." [90]

There is reason to suspect, however, that the cleansing went far beyond the elimination of the unfit and that it was, in part at least, a political purge as well. Certainly officers who entertained advanced opinions found their progress in the service slowed up, and by 1863 liberal officers were complaining of the arrogance of their comrades and the spirit of espionage and thought-control that was spreading in the regiments.[91] In December 1862, Theodor von Bernhardi had warned the Crown

[88] Schweinitz, *op. cit.*, I, 88.

[89] Roon Papers: Manteuffel to Roon, 2 May 1860. See also the letters of 25 February and 11 June 1860.

[90] Karl Demeter, *Das deutsche Heer und seine Offiziere* (Berlin, 1930), p. 20.

[91] Lenz, *op. cit.*, pp. 179-180.

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Prince that these activities would have a deleterious effect upon army morale but received the resigned answer: "If the affair stems from Manteuffel, there is nothing that can be done."[92] That the Chief of the Military Cabinet kept a weather eye out for potential dissidents seems clear. When he learned that the Commandant at Cologne, Dresler von Scharffenstein, was on good terms with several of the local merchants, he called in one of Dresler's friends and questioned him. The friend vouched for Dresler's reliability. "But he goes around with civilians!", said Manteuffel. The friend repeated his assurances. "Very well," said the Chief of the Military Cabinet, "then we can count on him if the shooting begins?"[93]

If the officers with progressive political ideas found the officer corps uncomfortable during Manteuffel's régime, those who had the misfortune to have middle-class origins found it even more so. To Manteuffel, middle-class officers were objectionable not only because of the likelihood that they were contaminated by liberal opinions but also because he felt that their social class lacked the military spirit.[94] As early as March 1860, the military commission of the Prussian Chamber was objecting to the systematic elimination of bourgeois officers from the army,[95] and these complaints were repeated year after year.[96] The Chamber had an understandable fear that an army that was headed by an officer corps predominantly anti-bourgeois in its opinions would be a standing threat to constitutional liberties; and this fear was heightened when, in 1865, an army representative admitted that, of 8,169 officers, 4,172 were nobles.[97] One could not, of course, dispense entirely with middle-class

[92] *Aus dem Leben Bernhardis*, IV, 338.

[93] *Ibid.*, V, 30-31.

[94] This was a belief shared by Moltke, who said in 1861: "We have to turn away a lot of the bourgeoisie, partly because they are useless young people who turn to military service because they can't get on in other careers, partly because they don't have the *Gesinnung* which must be preserved in the army." *Ibid.*, IV, 166.

[95] *Ibid.*, III, 284.

[96] See, for instance, Twesten's *Was uns noch retten kann*, p. 8.

[97] Löwenthal, *op. cit.*, pp. 247 *et seq.*

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officers. They were apt to possess an embarrassingly useful technical and mathematical proficiency. But Manteuffel's housecleaning saw to it that they were relegated to the artillery and engineer formations, while the crack (and socially correct) infantry and cavalry regiments remained aristocratic preserves. Moreover, it it worth noting that in the highest ranks in the whole army—the generals and the colonels—well over 80 per cent of the officers were of noble origin.[98]

Manteuffel's prejudice against middle-class officers was so deep that it permitted him to flout the principle laid down by Scharnhorst in the reform period—namely, that admission to the officer corps should be conditional upon demonstration of educational qualification. He tried to justify his evasion of existing rules by arguing that it was unwise " to require erudition from all officers ", since " the great majority . . . will consist always of qualified front officers and for them scholarly training is not necessary in such a high degree." [99] In reality, his objection stemmed from the fact that the tightening of educational requirements represented a threat to the social cohesiveness, and hence the political reliability, of the officer corps. In October 1861 a royal order stipulated that henceforth candidates for commissions would be required to present a certificate showing that they had reached the *Prima* in a *Gymnasium* or *Realschule* and could pass examinations in subjects required in the upper grades of such institutions. The order caused a storm of fury in the old officer class who protested hotly that it marked the beginning of a thorough bourgeoisification of the army. In an anonymous letter to Manteuffel, a group of officers asked plaintively: " Instead of Dönhoffs, Dohnas, etc., will not the sons of rich bankers capture the places in the Garde du Corps? Would an officer corps thus altered show the same attitude as it did in 1848? . . . Would it not be dangerous to offend the nobility so seriously? " [100]

[98] Demeter, *op. cit.*, pp. 34-35; Vagts, *op. cit.*, pp. 200-201.

[99] Manteuffel to his son, 16 September 1864. *Deutsche Revue*, XXXVIII (3) (1913), 198.

[100] Demeter, *op. cit.*, pp. 88-89, 260-261.

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Manteuffel thought that it would be. Without consulting the War Minister,[101] he waged a determined battle against the order of October, persuading the King, first, to remind regimental commanders that character requirements were to be weighed equally with education and, later, to delay application of the order for three years.[102] In effect, the order was never applied in the spirit in which it was written. If, as Meinecke has pointed out,[103] the modern German officer corps was dominated by the spirit of the professional and was dangerously naïve in political and nontechnical matters, the responsibility is partly due to the attitude taken by Manteuffel in the 1860's.

The continued success of Manteuffel's policies required, of course, that the selection and advancement of officers remain completely free from parliamentary influence of any kind. To secure this freedom, Manteuffel worked implacably from 1857 to 1865 to remove selection policy from the control of the War Ministry.

His policy here was not motivated by personal vanity or even by the tendency to "empire-building" which is common to bureaucrats the world over. In Manteuffel's eyes the most important question of the future was whether the army was to be dependent upon a constitutional minister who was responsible to parliament or bound to the King in a feudal relationship of personal loyalty. If the answer was to be the latter, then the power and authority of the War Minister must of necessity be limited; for, since he was responsible to parliament, the wider his powers the greater the potential control of parliament over the army.

During the Scharnhorst-Boyen era at the beginning of the century the army organization had been unified by subordinating all of its administrative units directly to the authority of the War Minister. After Boyen's fall in 1819, however, this

[101] That is clearly the conclusion to be drawn from his letter of 19 February 1862 to Roon (Roon Papers).

[102] Demeter, *op. cit.*, pp. 90-91.

[103] Friedrich Meinecke, *Die deutsche Katastrophe: Betrachtungen und Erinnerungen* (Wiesbaden, 1946), chapter 5.

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tendency was reversed. In particular, the third division of the War Ministry, the Division for Personal Affairs, tended to assume an ambiguous position. This division operated primarily as the unit which handled selection procedure, promotions and similar matters, but it served also as a private bureau or cabinet of the King, responsible directly to him for matters assigned to it. In time, the second function began to usurp the first. The Division for Personal Affairs became known commonly as the Military Cabinet, and was listed as such in the *Staatskalendar*. Its chief, in his capacity as division head, was still responsible to the War Minister; in his capacity as Chief of the Military Cabinet, however, this was not true.[104]

During the revolution of 1848, the Military Cabinet, long suspected in the eyes of liberals as a center of reaction, was deleted from the *Staatskalendar* and lost most of its authority. It was never, however, despite the desire of War Minister von Reyher, actually abolished;[105] nor was the administrative confusion caused by its dual function corrected. This was the situation in 1857 when Edwin von Manteuffel became Chief of the Division of Personal Affairs and of the Military Cabinet.

From the outset, Manteuffel was determined not only to maintain the independence of the Military Cabinet *qua* Cabinet, but also to free the functions of the Division of Personal Affairs from the control of the War Minister as well. Within a year of his appointment he was engaged in a furious dispute with War Minister von Bonin, who objected strenuously to Manteuffel's habit of making decisions on matters of appointment and promotion and of communicating directly with the Commanding Generals without consulting the War Minister. With a characteristic gesture, Manteuffel, at the height of this dispute, submitted his resignation to the Prince Regent, saying that, in view of Bonin's attitude, it was impossible to maintain

[104] The authoritative work on the development of the Military Cabinet is Schmidt-Bückeburg, *op. cit.* For additional details, see H. O. Meisner, "Militärkabinett, Kriegsminister und Reichskanzler zur Zeit Wilhelms I", *Forschungen zur brandenburgischen und preussischen Geschichte*, vol. L (1938), and especially *Der Kriegsminister, 1814-1914* (Berlin, 1940).

[105] Schmidt-Bückeburg, *op. cit.*, pp. 38, 47-48.

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" the military principle in its full purity, as I understand it." [106] The Regent did not accept Manteuffel's resignation, and the question of principle was postponed; but it is significant that a year later Bonin was forced out of office, in part at least because of Manteuffel's growing influence.

Once Roon had succeeded Bonin, it might have been supposed that differences between the War Ministry and the Military Cabinet would cease, for Roon was as fully opposed to parliamentary control over the army as Manteuffel was. As minister, however, Roon quickly developed a jealous regard for the prerogatives of his office, and, like Bonin, he was soon irritated by Manteuffel's habit of informing him of actions only after they had been taken. In the course of 1860 he complained repeatedly of Manteuffel's conduct,[107] with little success, since Manteuffel either excused himself by saying that he was acting on royal instructions or explained that he could not communicate to the Ministry matters which concerned the Military Cabinet more than they did the Division of Personal Affairs.[108] This quibbling, however justified by the curious complexities of Prussian military administration, infuriated Roon, who was a man of forthright mind.

Manteuffel's long-run objectives were perceptibly advanced in January 1861, when he persuaded the King to issue a notable, if momentarily unappreciated, cabinet order. The document, dated 18 January 1861, stipulated that henceforth army orders dealing with personnel, service details or matters of command would not require ministerial countersignature before becoming valid; and that only purely administrative orders, and orders which affected the budget or required legislation, need be signed in the future by the War Minister.[109] The order is a tremen-

[106] Meisner, *Der Kriegsminister*, pp. 105 *et seq.*

[107] Roon Papers: Manteuffel to Roon, 8 March, 10 March, 20 June, 10 October, 6 November 1860—all of which seem to be written in response to, or in order to forestall, complaints from Roon.

[108] Roon Papers: Manteuffel to Roon, 8 March 1860. See also the letter of 10 March in which Manteuffel says he regards " the unconditional maintenance of the Military Cabinet, particularly at the present moment, as a necessity."

[109] For fuller details, see Schmidt-Bückeburg, *op. cit.*, pp. 73 *et seq.*

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dously important landmark in the freeing of the army from parliamentary control,[110] for at a stroke it removed the most vital military matters from the final jurisdiction of the only person whom parliament could hold accountable for military matters —the War Minister. Inevitably, in doing this, it greatly increased the authority of the Military Cabinet, for the matters withdrawn from ministerial countersignature were now handled with growing independence by that office. There was little doubt, after the signing of the order of 18 January 1861, that the Military Cabinet was in the ascendant.[111]

Roon did not immediately perceive the consequences of all this for his own position. He welcomed the order of 18 January because it virtually destroyed the principle of ministerial responsibility and struck a direct blow at parliamentary pretensions.[112] He seems even to have supported the increased independence of the Military Cabinet. In October 1862, in a speech in the Chamber, he rejected parliamentary demands that it be controlled by saying that the Military Cabinet was a part of the War Ministry only when it was handling personnel matters.[113]

The War Minister soon discovered, however, that, even in personnel matters, Manteuffel paid little attention to his technical subordination to the War Ministry and that in other matters —especially the relationship between the King and the Commanding Generals—he consulted the War Minister as little as possible. From the beginning of 1862 on, there were sharp clashes between Manteuffel and Roon, and the former was not able completely to appease the War Minister by appealing to their common principles or reminding him that he was acting only as "an organ of the King."[114] Relations between them were already so strained by the end of 1862 that Manteuffel was

[110] See the comments in Meisner, *Der Kriegsminister*, pp. 24-25; Huber, *op. cit.*, p. 198; Kaminsky, *op. cit.*, p. 53; Srbik, *op. cit.*, III, 31.

[111] See Auerswald's remarks in September 1861. Duncker, *op. cit.*, p. 297.

[112] Schmidt-Bückeburg, *op. cit.*, p. 78; Zechlin, *op. cit.*, pp. 210-211.

[113] W. von Roon, ed., *Kriegsminister von Roon als Redner* (Breslau, 1895-96), I, 339.

[114] See Roon Papers: Manteuffel to Roon, 19 February, 5 March 1862.

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suggesting that it might be better if he resigned, since "with my philosophy and my individuality I must always work against the views of the [War] Minister."[115]

Roon's feeling that he was being left out of important decisions reached its height during the Danish campaign of 1864, when, in a stormy scene at Karlsbad, he accused Manteuffel of deliberately withholding from him action reports sent from the Commanding Generals to the King. In a prolix letter written a few days later, Manteuffel pointed out that Roon had a right to see only such reports or portions of reports as the King authorized for transmission to him, and that, however unpleasant this might be personally, it was fully in accord with the principle that "the King personally holds the command of the army, without the mediation of a third and without any bureaucratic authority intervening in the direct relationship of the army to its warlord." The implication here was that to give the War Minister an automatic right to review matters of command or even to see action reports would give dangerous encouragement to the principle of ministerial responsibility.[116]

After this incident, relations between Manteuffel and Roon were never completely cordial again. There was another brush in 1865 when Manteuffel intervened in a dispute between Roon and General von Steinmetz in such a way as to contest the War Minister's authority over the Commanding Generals.[117] This helped precipitate Manteuffel's fall, for Roon now worked with Bismarck, who had his own reasons for wishing to see Manteuffel removed from Berlin, and the Chief of the Military Cabinet was in the same year sent to Schleswig as Governor.

Manteuffel's principles, however, were completely victorious. When Roon sought a clarification of his rights in relation to the Commanding Generals, the King rejected his request on the grounds that any directive on the subject "could easily lead to the formation of a court of appeal in matters of command

[115] Roon Papers: Manteuffel to Roon, 8 December 1862.

[116] *Ibid.*, 8 July 1864. The letter includes a survey of the history of the War Ministry since 1848.

[117] Schmidt-Bückeburg, *op. cit.*, pp. 89 *et seq.*

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between the Commanding Generals and myself." [118] After this, the War Minister was virtually excluded from all matters relating to the command of the army, and questions of this nature were handled directly by the King through the Military Cabinet.

Manteuffel's desire to free all personnel matters—selection, promotion, decorations and the like—from the War Ministry was not fully realized. But the first steps toward this had been taken when the War Minister's right of countersignature had been restricted in 1861, and Manteuffel's successors in the Military Cabinet pushed this policy to its logical conclusion. Albedyll, Chief of the Military Cabinet from 1871 to 1887, not only took Manteuffel as his model but consulted him frequently;[119] and it was with Manteuffel's full approval that he succeeded, first, in greatly increasing the number and variety of orders that could be excluded from ministerial countersignature and finally, in 1883, in freeing the Military Cabinet itself and all personnel matters from the last vestiges of ministerial control. After this victory, Manteuffel—now very close to death—wrote to Albedyll to congratulate him on his consolidation of the *Kommandogewalt*, an event which, he said, effectively destroyed the pernicious French theory "that the War Minister is *quasi* Chief of the army." [120] It is doubtful whether congratulations were really in order. The policy inaugurated by Manteuffel in 1857 led to the destruction of the administrative unity which the army had enjoyed in the days of Scharnhorst and Boyen, and this had highly unfortunate results in the war of 1914-1918.

Manteuffel was not interested, however, in the maintenance of unity under a minister who might be held to accountability by parliament. In the struggle between Crown and *Landtag* in the 1860's, he had seen a threat to the very existence of the state. Balked of his desire to eliminate that danger once and

[118] Meisner, *Der Kriegsminister*, p. 12.

[119] *Ibid.*, p. 30; Schmidt-Bückeburg, *op. cit.*, pp. 124 *et seq.*

[120] Meisner in *Forschungen zu brandenburgischen und preussischen Geschichte*, L, 102-103.

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for all by resort to force, he undertook to make the army completely immune to liberal influence. His rejuvenation and educational policies were designed to secure the predominance in the officer corps of those classes most devoted to the maintenance of unrestricted royal power. His deliberate campaign to weaken the authority of the War Minister was motivated by the fear that parliament might take advantage of the responsibility of that minister to meddle in army affairs. There can be little doubt that these policies succeeded in making the army a reliable instrument in the hands of the King; but it is clear that the transformation of the army into a praetorian guard which had no essential connection with the society in which it lived worked in the end to the tragic disadvantage of Germany.

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THE PROPOSED DEVELOPMENT AUTHORITY COMPACT FOR NEW ENGLAND

I

ALTHOUGH the proposed interstate compact for a New England Development Authority was defeated in 1949, the governors planned to reactivate it for consideration when the legislative assemblies meet in 1951. The proposal, which will tear certain parts of New England asunder, involves such basic cleavages as public vs. private power, multiple-purpose vs. single-purpose development of rivers, and centralization of government vs. particularism. It raises serious questions of political allegiance. Some of the issues were aired early last summer before a Senate subcommittee on a proposed commission to study New England and New York natural resources, and again late in July at a hearing before the President's Water Resources Policy Commission at Springfield, Massachusetts.

For more than twenty years southern New England has been interested in a regional power compact. The plan, drafted by the six governors in March 1949, was much more comprehensive, calling for an organization to plan and develop for ten years common economic interests for a greater New England. The Rhode Island Legislature promptly and unanimously ratified. But rejection by one state would nullify the entire compact; and Vermont rejected it so early that the issue was not pushed elsewhere.

The proposed compact authorized the Development Authority to survey the natural and economic resources of New England, together with the resources of adjacent areas which affect the economy and development of New England, including the utilization and control of water resources, especially in regard to achieving low-cost electric power, lessening flood damage, removing sources of water pollution, and obtaining from whatever source uniform or competitively fair power and light rates

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throughout New England, without prejudice to the agricultural or industrial economy of the area. The survey of the natural and economic resources was to include, but not be limited to, an investigation, study and comprehensive report upon the importation of natural gas by pipe line, the establishment of a steel industry, the promotion and development of the textile, the electrical, the brass and the shoe industries, and the conservation and expansion of marine fisheries, agriculture, and timber and mineral production. The Authority was directed to determine the availability of federal grants-in-aid for developing such projects as it might recommend; it was to take steps to procure such funds.[1]

Each state was to contribute to the expenses of the Authority in proportion to its population to that of New England. Each governor was to appoint one of the six commissioners in the Authority to serve at his pleasure. The functions of the Authority were purely staff, fact finding, planning, advisory; its findings were to be made public, its recommendations were to be referred to the several New England states. Additional powers could be delegated to the Authority only by concurrence of all six state legislatures or by acts of Congress.

Thus, the 1949 model attempted to establish a sort of administrative "Council of Ambassadors", each responsible to a state executive, with any one state legislature having the power to postpone the creation of the organization by refusing to join. As an administrative agency the Authority would have attempted on a regional scale what state development commissions, chambers of commerce, the New England Council, and other official and private organizations have been doing in piecemeal fashion for many years. It would have created an official interstate institution for the exchange of information and ideas, and for regional planning.

Relatively few objections were raised to the proposals for establishing new industries and conserving certain natural resources, though a few "rugged individualists" feared some states would get preferential treatment by an interstate promotion agency. The focal point of disagreement centered on the

[1] Rhode Island *Statutes*, January Session, 1949, chapter 2184.

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proposals for utilization and control of water resources—flood control, hydroelectric power, and multiple-purpose development. As corollaries to this went objection to federal "encroachment" through grants-in-aid as well as some opposition to the idea of a regional planning agency. This article must be confined to some of the power problems.*

The concept of a New England power compact is based on the assumption that the states are complementary parts of a natural power region, that to tie together diverse river flows with the most advantageous sites for steam-power stations, which may use water-borne coal, would produce many economies in the production, distribution and conservation of electricity. Five states are well interconnected and integrated, but Maine refused to coöperate in 1909, with the passage of the Fernald Law which prohibits transmission of hydroelectric power outside the state.

A quarter of a century ago the New England Council inaugurated attempts to promote a regional power compact and avoid federal regulation by working out regional problems. Addressing its meeting held in December 1926, Secretary of Commerce Herbert Hoover said that from 8 to 10 per cent of New England's electric power was involved in interstate movement. This fraction of interstate transmission gave the basis for some agitation for federal regulation. Consequently, if New England could solve its own problems, the states would be saved from further encroachment of the national government. He suggested the compact, up to then rarely used, as a solution —"to take the lead, in New England, in introducing a new idea in the decentralization of government by setting up an interstate compact." [2]

More recently an official agency, the New England Governors' Conference, has sponsored the compact, adding to it regional development activity; and also including some multiple-

* This article is based on two studies by the same author: *The Public Power Policy of Maine* to be published by the University of California Press; and another in progress on the New England power scene.

[2] *Hearing on Power Measures*, Maine House of Representatives, Augusta, February 24 and 25, 1927, p. 88.

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purpose projects quite foreign to the NEC's objectives. The Council of State Governments was reported to be attempting to develop for the governors a proper medium by which a compact may be worked out on terms satisfactory to the six legislatures in 1951.

II

In discussing the various attitudes toward a compact, even at the risk of oversimplification, it is necessary to make at least a tentative classification of the states concerned and their respective stakes in the regional water resources program. In general terms the three northern New England states may be classed as primarily agricultural; the three smaller, but more densely populated, southern states are primarily industrial. On the basis of estimates by the Federal Power Commission concerning the availability of undeveloped hydroelectric power, Maine, New Hampshire and Vermont may be classified as "have" states, and the three to the south as "have not" states. The three northern states have about 9/10 of the potential hydroelectric power, and the three southern states about 1/10 of New England's total.[3] Maine has the greatest stake in the compact, because approximately 65 per cent of New England's undeveloped hydroelectric power is in this state; furthermore Maine is the only state in the Union which has an embargo on the transmission of hydroelectric power.

Since the amount of power potentially available is basic in determining attitudes toward the compact, the findings of the Federal Power Commission are summarized:

State	*Installed Capacity KW*	*Average Annual Generation—KWH*
Maine	1,807,000	6,800,000,000
New Hampshire	566,000	1,600,000,000
Vermont	476,000	1,390,000,000
Massachusetts	160,000	360,000,000
Connecticut	110,000	410,000,000
Rhode Island	.....	.....
Totals	3,119,000	10,560,000,000

[3] "Memorandum on Information Requested by Senator Leverett Saltonstall", FPC mimeo. ms., February 17, 1949, p. 5.

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The estimates of the power survey committee of the New England Council of new power sites economically feasible for construction under suitable conditions of load growth, in terms of kilowatts, were: Maine 263,000; New Hampshire 83,000; Vermont 25,000; Massachusetts 18,000; Rhode Island none; Connecticut 31,000; total 420,000. Those estimates were based on power development only; dual-purpose construction for flood control and power would add power capacity in three states as follows: New Hampshire 38,000 kilowatts; Vermont 10,000; Connecticut 32,000. These figures placed more than half of the potentially available power in Maine, and about one fourth in New Hampshire.[4]

The FPC estimates were about three times greater than those of the New England Council. The federal agency indicated three fundamental differences in approach of these two estimates: (1) the NEC considered independent power development at individual projects, instead of an approach looking upon the entire river as the unit of development; (2) the NEC considered single-purpose instead of multiple-purpose development; and (3) the NEC considered projects which would be economically feasible with private financing, about twice the annual charges that would be incurred under federal financing. The Commission also labeled "arbitrary" the NEC approach in computing on the basis of stream flow available 20 per cent of the time. This "approach does not consider the needs for peaking power in the area from the standpoint of electric loads and the best use of the hydro resource in conjunction with steam-electric plants." The FPC estimates also included Quoddy, certain international streams, and redevelopment of existing power plants with considerably more regulatory storage.

A more recent unofficial investigation emphasizes that the FPC estimate of 3,119,000 kilowatts was an engineering desk job put together from paper records and was considered "technically possible, engineeringly feasible, and within the range of

[4] *Power in New England,* A Report of the Power Survey Committee of the New England Council (Boston, 1948), p. 47.

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possible economic feasibility."[5] But "private engineers say this amount of undeveloped power does not exist on the rivers even though FPC were to ride roughshod over legal restrictions on use of water, build dams to any height regardless of existing state laws, and flood out communities, railroads, highways, industries and other property." As an extreme example, if the Connecticut River were regulated to provide average flow throughout the year enabling Enfield to generate power twenty-four hours a day, huge upriver storage would be required; "that would create a brand new sea somewhere in New Hampshire and Vermont." This study set the engineeringly feasible potential at 1,084,775 kilowatts; of this perhaps between 500,000 and 600,000 kilowatts would be economically feasible.

A more conservative estimate of Maine's undeveloped water power by the Maine Public Utilities Commission was that, for flow 50 per cent of the time, the state could develop 702,453 h.p.; for flow 90 per cent of the time, 339,468 h.p.[6] Economic feasibility was not considered in these calculations. Some of the sites are highly desirable and already in the blueprint development stage, but others would flood out such valuable property that their importance is doubtful. A few are too remote for profitable development; they are in uninhabited areas and the cost of highways to make construction work possible would be excessive. The Commission had this to say about Maine's undeveloped power potentialities:

> While there are numerous small water power sites that could be used, they are not economically possible of development in competition with steam generation. . . . Hydro generation still provides around 80 per cent of the kilowatt-hours generated in Maine . . . but steam generation is becoming of increasing importance each year. We have for years considered Maine as a hydro-electric power State. Now the demand for firm power has brought steam plants from an auxiliary status to a firm position. Power is generally required from steam stations all of the

[5] George H. Arris, *New England Water Power—Myth or Fact?* (Providence, R. I., 1949), pp. 1-15.

[6] *Ninth Biennial Report*, P. U. C., Maine, 1939-1940, p. 140.

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year except a few weeks in the spring and at times up to half of the total energy is produced by these plants. Many factors have developed causing the former cheap hydro energy to increase in cost compared to lowered steam costs and the new load requirements in Maine will be met mostly by the addition of new steam capacity.[7]

The discrepancies in the various estimates are apparent but probably not actual. They are often inaccurately quoted; all might be reasonably comparable if considered as based on entirely different formulas. They show lack of agreement on objectives and semantics.

III

Attitudes on power in New England converge on public power and national control as opposed to private enterprise and state jurisdiction. Certain sectors of the New England electorate, largely but not exclusively within the Democratic party, follow President Truman and the Administration's public power program which includes regional and multiple-purpose development along with or in opposition to private development. The power companies find allies in advocates of particularism, owners whose property would be flooded by construction of new dams, and staunch champions of localism and isolationism which prevail in parts of the northern states.

In the words of Orville S. Poland, economic adviser to Governor Paul Dever of Massachusetts: "We either must develop more electric power or we will lose our industrial supremacy." He alleged that New England's industry pays $176,000,000 more for the electric power it uses than if the same power had been purchased in the TVA area; and that helps to account for the migration of New England textile and shoe industries elsewhere.[8]

Although the importance of power as a factor in attracting new industry is often exaggerated, the industrial expansion of

[7] *Twelfth Biennial Report*, P. U. C., Maine, 1945-1946, pp. 17-18.

[8] Eastport *Sentinel*, August 25, 1949.

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the South and West was greatly accelerated because of the war, and several regional public power projects certainly were assets. Gilbert Verney, president of a New England chain of mills, has stated that certain primary costs—freight, fuel, light and power, wages and salaries, and state and local taxes—give the South an advantage over New England textiles. He declared that wages are 10 per cent lower in the South, that some southern communities offer new industries as much as ten years' exemption from taxes, and that tax-free generating units under government control help to lower power costs in the South.[9] If New England is to withstand this competition, it is necessary to produce as efficiently and cheaply as possible. Several studies indicate that power is now of relatively minor significance, because it represents only two to four per cent of the cost of production in most industries.[10] Even that small percentage, however, especially for a large company, becomes important in sectional competition.

Production, particularly under a war economy, needs power interconnections geared to regional instead of local interests. It also requires an energy resources policy providing for the highest possible use of each source of power, which ought to include hydro for industry, and thereby save fuels, especially oil, for more highly specialized war uses.

Advocates of public power point to the necessity for more flood control on interstate rivers, particularly in southern New England, and claim that with relatively little additional outlay great quantities of inexpensive hydroelectricity could be obtained. These multiple-purpose developments would thereby aid industry, help to conserve our energy resources through wise use, and at the same time add materially to the amenities of life. Private investment cannot be expected to venture into

[9] The Brunswick *Record*, October 28, 1948.

[10] NEC Report, *Power in New England*, p. 5; *Industrial Location and National Resources*, National Resources Planning Board (Washington, 1942); *Electric Power and Government Policy*, The Twentieth Century Fund (New York, 1948); Report of the Special Commission relative to the Textile Industry and to prevent the removal thereof from the Commonwealth, Massachusetts, House No. 2950, May 12, 1950.

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such socially justifiable projects, nor would it be feasible or expedient to do so. Public power, they assert, aids rather than damages private enterprise by making bigger markets and more jobs.[11]

President Truman recently advocated a survey, by the Department of the Interior and other agencies, for New England and New York, a tie-up extending from Niagara to Passamaquoddy Bay in Maine and eastern Canada. Democratic senators from the area sponsored the " Green bill " which was drawn up largely along those lines. Senator Henry Cabot Lodge (R. Mass.) introduced another measure which was limited to New England and instructed the Army engineers and Department of Agriculture to make the study.[12] The Federal Power Commission in 1949, in almost complaining language, pointed to New England's hostility to multiple-purpose projects, and its virtually unique position in having authorized none. It seems evident " that there is nothing the federal government can do toward further development of the potential water power of New England until the people in the region are willing to permit development of the power potentialities of federal multiple-purpose reservoir projects." [13] The FPC served notice that it is not interested in single-purpose projects; instead it supports full development and integration of a New England regional power program, a chart of which had little TVA's dotted over five New England states, with Maine headquarters for more than half the supply.

Governor Dever of Massachusetts, champion of national power policies, supports a national rather than a regional approach. He told the President's Water Resources Policy Commission that a regional program would be hampered by legal restrictions among the participating states, and that it could not act effectively in international matters. He added: " I believe that states' rights may be fully protected, while the federal

[11] President Truman's Dedication address at Grand Coulee, and editorial, *New York Times*, May 12, 1950.

[12] The Providence *Sunday Journal*, July 9, 1950.

[13] FPC, " Memorandum . . .", p. 9.

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government acts to afford these states the benefits of a unified approach and a basis for common advantage." [14]

But the predominating view at the Springfield hearing on the extent to which the states think Washington should participate in local development was emphatic. New England wants to handle its own water resources without direct federal aid. Testimony was offered that the states individually and by compact and other arrangements can solve their own problems. M. R. Stackpole of the Maine Public Utilities Commission said flatly that federal participation "should be limited to research and guidance." [15]

Power companies and their supporters do not oppose flood control compacts as such, but they do question the efficacy of multi-purpose dams which, they say, are often designed largely for power generation under the guise of flood control. The two objectives cannot be combined efficiently because they require different conditions. Whereas power production needs a full pond to provide a fall of water, flood control demands an empty pool to absorb the extra water when it comes. New England lacks the large power installations of other regions because the rivers do not have the capacity for developing such great quantities of water as at Grand Coulee and Bonneville.

> Land areas, rivers and rainfall here are much smaller. New England is a flat country compared to the far West, and big dams which would flood out vast areas here are usually contained in the deep gorges in the West. Most important of all, New England's five largest rivers drain water from only 20,800 square miles, compared to 169,000 square miles drained through Boulder Dam and 227,000 for the Bonneville project.[16]

The FPC, in estimating New England's demand for power for the next twenty years, says a large portion of that required

[14] The Springfield (Mass.) *Daily News*, July 25, 1950; *The Springfield Union*, July 26, 1950.

[15] Portland *Press Herald*, July 26, 1950.

[16] *Here Are Your Answers*, booklet for the personnel of the New England Electric System, undated, pp. 7-8, 13.

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could be supplied by developments in the Connecticut and Merrimack river basins, aided by fuel-electric plants.[17] Other sources stress that most of the potentially available hydro would be peak power only, which would have to be supplemented by steam at a 3 to 1 ratio, or 3,000,000 kilowatts of hydro would require 900,000,000 kilowatts of steam to firm it up which would produce four times the amount of power presently in use and a surplus of more than two thirds of the estimated requirements for 1970. This is also the basis for the contention that most of the power of New England must be generated by fuel.[18]

With reference to the rivalry between hydro and steam-electricity, one may observe that it has ebbed and flowed in waves, depending on the fluctuations of costs and technological and political developments. Government power promoters favor hydro, sometimes for political reasons. As a result of their activities, the seemingly more rapid growth of hydro capacity in recent years should not be attributed to the economic superiority of hydro over steam. The costs of government hydro are different from the costs of privately owned steam-electric plants, so no comparisons can be made without adjustments. On the other hand, a program for the conservation of energy resources may have to consider more than costs as a factor in putting limited supplies to work for highly specialized tasks.

IV

"Behind everything else lies opposition in northern New England to dams of any kind. Feeling up there runs hot."[19] This truism cannot be brushed aside lightly, nor the reasons therefor easily explained. It is part of the "New England

[17] *Power Market Survey*, FPC Bureau of Power, New York Regional Office (New York, 1949), pp. x, 114.

[18] Report of Professor Howard M. Turner, Harvard University and Consulting Engineer, made for the Electric Co-ordinating Council of New England to the President's Water Resources Policy Commission (Boston, 1950), Mimeo. ms., pp. 10-11; *New England News Letter*, Boston, July 1950, p. 6; 1949 *Annual Report* of the Public Service Company of New Hampshire, p. 18.

[19] Arris, *op. cit.*, p. 9.

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conscience" inherent in the history, ecology and environment in some citadels of the region. In more-inclusive terms it is manifested by opposition to centralized government and to the social service state.

The causes would require a complete study in themselves, but institutional development helps to account for the localism and isolationism which prevail "north of Boston". Although established as a concession, the town meeting in the Massachusetts Bay Colony took root and grew. It was wise to be frugal, foresighted and conservative in the pioneer days and these qualities were implanted in each new town. The Governor's Council was established to protect localism, to put a "home town" check on the state. Another root from which this concept emerged was the Puritan theocracy of the early settlers. Their belief in Calvinism, the doctrine that a few people were set apart by destiny for eternal salvation and the rest for eternal damnation, gave rise to dogmatism in nonreligious matters also. James T. Adams claimed that, because of the close-knit communities in New England, this dogmatism became a group unity more than merely an emphasis on individual character. Thus arose work, thrift and snobbishness as some New England traits.[20] Earle Newton, who emphasized security and thrift as Puritan virtues, says sound finance, whether personal or public, has always been characteristic of the Green Mountain Yankee, who opposes deficit financing and adheres to a policy of "pay as you go." The rural Vermonter, even in the twentieth century, still found he could do most things for himself without the help of government. And what he did in common with others, he preferred to do through his town government, where he and his neighbors were the only public servants.[21] Particu-

[20] James T. Adams, *New England's Prospect* (New York, 1933), p. 3. Howard W. Odum and Harry E. Moore, *American Regionalism* (New York, 1938), p. 509. There is little justification for the contention that New England people are snobbish. The term "stolid" or even "self-contained" is more nearly correct. Much of the alleged reserve of the people of New England is not because they consider themselves better than others or that they are unsocial. Rather, it is because they respect the rights and privacy of others and do not wish to impose themselves on other people.

[21] Earle Newton, *The Vermont Story* (Montpelier, 1949), pp. 244, 259.

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larism, furthermore, fitted the ecological setting in northern New England's colonial era, when much was decided by long distances, poor transportation, Indian attacks, and the strength of the town unit.

With the emergence of a number of industrial cities, influx of population, and greater interdependence of the people, urban areas in Maine, New Hampshire and Vermont have at times risen to challenge rural domination, either within or outside the Republican party. These "liberals" have recently picked up some rural adherents who want aid for crops and rural electrification, but they have lost many property owners whose taxes generally have increased. Thus, whereas urbanism controls southern New England, agrarianism usually carries the day in the north.

Two venerable Massachusetts laws, the Great Pond Ordinance (1642) and the Mill Act (1713), are important factors in helping to account for the hostility to the construction of large dams in New England.

The Great Pond Ordinance which originally provided for free fishing and fowling in lakes of ten or more acres was eventually interpreted by the courts to mean that the waters of such lakes are publicly owned and that the General Court has jurisdiction over these waters.[22] The Ordinance is also valid in Maine. While not specifically adopted in New Hampshire, it has, nevertheless, influenced lake policy there; the Legislature has repeatedly maintained a limit below which the lake waters cannot be drawn. These storage reservoirs and water supplies are keys to many multiple-purpose developments. Thus, local legal rights may prevent contemplated FPC jurisdiction at certain points.

The Mill Act, in order to encourage the growth of mills and promote settlement in a frontier economy, gave the owner of a dam site the right to build a dam for his mill and to cause water to flow back on his neighbor's land. The neighbor had no way of preventing such flowage, and all he could do was to

[22] Lincoln Smith, "The Great Pond Ordinance—Collectivism in Northern New England", in *Boston University Law Review*, April 1950, pp. 178-190.

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collect just compensation. The Massachusetts law was copied throughout the New England states as well as in numerous others. Although in derogation of the common law, this Act at first necessitated the overflowing of small quantities of land —a natural result in view of the small size and local nature of the early mills. But with the increase in population, and consequently greater damages caused to private property by overflowing it for the increasing number of larger mills, by 1850 property owners were objecting strenuously to its provisions. Its validity was supported in state courts on various bases. When challenged in the United States Supreme Court as violating the Fourteenth Amendment, the law was upheld because of the public nature of mills in early Massachusetts, because of local conditions in New England, because of special consideration to be given to decisions of state legislatures and courts, and finally because of the venerable age of the law. Said Mr. Justice Holmes:

> . . . the liability of streams of this kind of appropriation and use has become so familiar a conception in New England, where water power plays as large a part as mines in Utah, that it would not be very extravagant to say that it enters as an incident into the nature of property in streams, as there understood. . . .

And in determining whether a statute of a state is constitutional, he added, this court

> cannot wholly neglect the long settled law and common understanding of a particular state. . . . We are bound to be very cautious in coming to the conclusion that the Fourteenth Amendment has upset what thus has been established and accepted for a long time. Even the incidents of ownership may be cut down by the peculiar laws and usages of a state.[23]

An earlier Supreme Court decision, which was flatly rejected by the Vermont Supreme Court eighteen years later, asserted:

[23] *Otis Co. v. Ludlow Manufacturing Co.*, 201 U. S. 140, 152, 154 (1906). For the original law, see Abner C. Goodell and Ellis Ames (eds.), *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* (Boston, 1869), vol. I, ch. 15.

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> When property, in which several persons have a common interest, cannot be fully and beneficially enjoyed in its existing condition, the law often provides a way in which they may compel one another to submit to measures necessary to secure its beneficial enjoyment, making equitable compensation to any whose control or interest in the property is thereby modified.[24]

The Vermont Court replied that the position assumes

> that the land goes with the stream, instead of the stream with the land, and to give the riparian owners a joint interest in the land because of their peculiar right to the water. But the owners of the various properties are the several and independent owners of their respective parcels of land, and their only right to the water is such as this ownership gives them. To say that one's holding of the land is subservient to such use as the lower owner may desire to make of the water, is to reverse all our theories regarding the use of streams.[25]

Although Massachusetts hinted in 1851 that the Mill Act was valid because of its venerable age,[26] four years later the Maine Court said, in essence, that, although it was bad law, the Act must be tolerated because of its great age and general acceptance, but it should not be extended. "The Mill Act, as it has existed in this State, pushes the power of eminent domain to the very verge of constitutional inhibition. If it were a new question, it might well be doubted whether it would not be deemed to be in conflict with . . . the constitution."[27]

Although some legislatures whittled down its provisions, another reaction against the now unpopular law was to stress existing private property rights inherent in the flowing stream. For example, besides the Vermont decision already cited, the Supreme Judicial Court of Maine in an advisory opinion stated:

> The riparian proprietor may avail himself of the momentum of the stream as power for manufacturing and industrial purposes,

[24] *Head v. Amoskeag Manufacturing Co.*, 113 U. S. 9, 21 (1885).

[25] *Avery v. Vermont Electric Co.*, 75 Vt. 235, 242 (1903).

[26] *Murdock v. Stickney*, 8 Cush. 113, 117 (1851).

[27] *Jordan v. Woodward*, 40 Maine 317, 323 (1855).

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> provided, of course, the water is not thereby unreasonably detained or essentially diminished. . . . He can build dams upon his own land and develop power for milling and manufacturing purposes, subject to the provisions of the Mill Act . . . ; but the flowage rights thus acquired become property rights in the nature of an easement appurtenant to the manufacturing plant. All these rights which the riparian proprietor has in the running streams are as certain, as absolute, and as inviolable as any other species of property. . . . He can be deprived of them only through the powers of eminent domain constitutionally exercised.[28]

Thus the Mill Act, and the later reaction to it, served to make New England riparian owners highly conscious of their well-established private property rights in flowing streams. This local law and custom are the complete antithesis of a more recent liberal notion that water rights must be interpreted with limitations on the rights of the owners. On this point the late Mary P. Follett wrote: "The idea is becoming accepted that running water is an asset of society which is not capable of private appropriation or ownership except under regulations that protect the general interest. This tendency is changing the whole water law of the western states."[29] A corollary of this concept is Roscoe Pound's thesis of the decreased influence of contract, and his contention that law must have a social justification, serving not individuals alone but the community and individuals through the community. Individual legal rights are

[28] 118 Maine 503, 507 (1919).

[29] M. P. Follett, *The New State* (New York, 1926), p. 127. Another example of rigid private property rights comes from the Supreme Judicial Court of Maine which ruled that manufacturing, generating, selling, distributing and supplying electricity for power, for manufacturing, or mechanical purposes is not a public use for which private property may be taken against the will of owners. *Brown v. Gerald*, 100 Maine 351, 353, 373-377 (1905). That this decision was out of tune with that of the United States Supreme Court is obvious from the following by Mr. Justice Holmes: ". . . to gather the streams from waste and to draw from them energy, labor without brains, and so to save mankind from toil that it can be spared, is to supply what, next to intellect, is the very foundation of all our achievements and all our welfare. If that purpose is not public we should be at a loss to say what is." *Mt. Vernon-Woodberry Cotton Duck Co. v. Alabama Interstate Power Co.*, 240 U. S. 30, 32 (1916).

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relative, and at times they must be yielded, in order to obtain greater public rights through government.

If some people think it humorous that a Vermont vigilante committee was formed several years ago to prevent Army engineers from building a flood control dam at Williamsville, and that farmers used shotguns to rout a crew of engineers surveying for flood control at the present Wilder Dam site, they fail to comprehend the rugged individualism, purposeful minds, and hallowed private property rights which exist in parts of northern New England. Private utilities have learned that there is no dickering with an aroused farmer whose property stands in the way of dam construction. In a pinch they condemn property, but " it is an uphill fight against mass opposition. Utilities, which have concerned themselves from time to time with one dam, wonder how the federal government would fare in a riverwide plan calling for many dams and flowage of property." [30] Although, to a minor extent, similar opposition at first developed at TVA, it lacked the bitterness and intensity which prevail in northern New England.

V

In 1949 the Republicans controlled the Rhode Island Senate, and the Democrats controlled the House and Governorship. Governor John O. Pastore asked for the Development Authority bill, and it was promptly and unanimously passed by both houses. Since Rhode Island's potential hydroelectric power is negligible, the state had everything to gain and nothing to lose by the compact. One representative remarked that with the state's appropriation of $18,000 it would get the same benefit of studies made by the Authority as Massachusetts would get for $100,000.[31] Opponents of public power offered no opposition, perhaps in the belief it would be " just another study " in which the state seems to abound.

Although Vermont rejected the Development Authority bill, it was reported favorably out of committee, and the rather

[30] Arris, *op. cit.*, p. 9.

[31] The Providence *Journal*, March 31, 1949.

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close vote of 112 to 83 shows that the issue was merely postponed for future legislative sessions. In a House of 246 members, 51 did not participate in the 1949 decision. It is difficult, perhaps impossible, to analyze the vote in "yes" and "no" categories. It is indicative of a "liberal" movement which appears to be making considerable progress within Vermont's Republican party.

As recent urbanization and industrial expansion have modified the Vermont way of life, so they have also made inroads against the lawyers' domination of state politics. Local leaders with broad perspectives have found the allegedly stolid and skeptical Vermonters surprisingly receptive to new ideas. The influx of population has brought forth more leaders who are progressive. After initial hostility, many farmers welcomed government crop assistance; before long some actually wanted forms of agricultural "planning". Unlike Maine, where the Democratic party often signed up the more liberal voters, Vermont has seen this group at work within the Republican party. As governor, George D. Aiken offered progressive leadership in assisting the REA and in administrative appointments; now as United States senator his work for the St. Lawrence project and for lower power rates in New England is significant. The election of Governor Ernest W. Gibson in 1947 was another victory for progressive voters. The belief has been expressed that the liberal Republican movement depends largely upon the personality and ability of this leader to hold it together. In the words of one observer:

> Gibson's recurrent victories at the polls—despite party rejections —and his success with the legislators, were significant of a new found determination in the state not to stand apart from current of change, as well as a new willingness to accept an expanded role of government in the daily life of the average man.[32]

The proposal to create a Vermont Power Authority was the important power issue in 1949. The bill was favored by Governor Gibson, the rural electric coöperatives, the Vermont Co-

[32] Newton, *op. cit.*, p. 256.

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operative Council, the Vermont State Farm Bureau, the State Industrial Union Council, and the Vermont Labor and Farm Council. The plan, in brief, was to establish an administrative agency to study Vermont's power potentialities, to develop and distribute power at wholesale (a disputed interpretation), and to bring electricity to Vermont from New York upon completion of the St. Lawrence project.

The arguments advanced in its favor at the committee hearing were: electricity in Vermont is expensive and scarce; most of Vermont's electricity is generated by hydro at very low cost but these low costs are not passed on to consumers; in time of low water electricity must be imported at high cost which indicates the need of a large steam plant for these periods; transmission lines are inadequate; some portions of the state, chiefly northern, have shortages when electricity is plentiful in other areas; Vermont has many good, undeveloped sites; some developments are not always run to full capacity; the REA's and some municipal companies have to pay exorbitant wholesale rates; private utilities continually serviced large users and left small users to REA or out entirely; a Power Commission is needed to study Vermont's power situation and to obtain power from the New York Power Authority or from any other near-by agency which may have a surplus available.

The opposition was spearheaded by President Albert A. Cree of the Central Vermont Public Service Corporation, and included representatives of other electric companies in the state, the New England Power Company, some farmers, business men, and representatives of some branches of organized labor. Mr. Cree claimed the allegations against the power companies were unproved and that, except for the possibility of St. Lawrence power, no specific means were shown by which the State Power Authority could economically increase the supply of power or reduce its cost. The Authority would not be subject to the state regulatory commission, but would have sweeping powers over free enterprise. Electricity is not scarce in Vermont, he said. Although a drought of unprecedented severity in the fall and winter of 1947-48 caused minor curtailment, new equip-

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ment since then, mostly on order or under construction before the drought, make a repetition of those experiences unlikely. The Vermont utilities, he claimed, provided electricity at the lowest feasible cost. Regardless of who supplies the electricity, New England rate levels are determined largely by production costs which must be high because the Northeast lacks the large rivers with great drainage and good falls found elsewhere. Also New England has no coal, oil, or natural gas, and thus transportation charges put New England electricity at a competitive disadvantage over that of other regions. One farmer at the hearing said that, if the bill had been written in Russia, the only reason it would not be completely satisfactory to the communistic state was that it had not been approved by Joe Stalin; but he thought there would be no trouble in getting his approval for it. The bill was defeated by a rather large vote.

Shortly thereafter the compact bill was introduced. Its opponents called it "Gibson's power authority bill in disguise". In addition to the arguments used against the first measure, one more was advanced this time—that by joining this compact Vermont would surrender some sovereignty to a regional or national agency. After its defeat, Governor Gibson said: "It was strictly the power company lobby that defeated that bill today. They've spent a lot of money." But Representative Andrew L. Orzel of Rutland claimed that what was good for the other New England states would be detrimental to Vermont.[33]

Since the measure had already been defeated by Vermont, three New England states, Massachusetts, New Hampshire and Connecticut, took no action on it. While the issue transcends party lines, the Democrats in Massachusetts had a slight advantage in the 1949 and 1950 legislative sessions, with a majority of eight in the House of Representatives and 20 of the 40 Senators. The autumn elections have given the Republicans a more decisive margin in this truly bipartisan commonwealth. A compact which would bring more power into Massachusetts

[33] Bangor *Daily News*, April 30-May 1, 1949.

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without harming the power companies would get a welcome reception in the General Court.

In Connecticut the bill received a committee hearing. Senator Richard A. Forester spoke for it, and opposition was registered by representatives of chambers of commerce and manufacturers' organizations. Here as elsewhere one attitude was that the bill had considerable merit, but that it was obviously written in haste and needed drastic revision. Very little interest was shown, because attention was focused on the proposal for a Connecticut Valley Authority. Connecticut is participating in several flood control projects, and an interesting multiple-purpose development for a navigable channel in the Connecticut River from Hartford to Holyoke, Massachusetts, with a power dam at Enfield Rapids. The State Flood Control and Water Policy Commission and the Connecticut Light and Power Company have approved the project, and the latter has filed an application with the Federal Power Commission for a license to build and operate the power-generating facilities in coöperation with the federal government. If successful, this would, like the Hoover Dam, use both public and private funds for river basin development.

By the time the New Hampshire Legislature got to the compact bill, Vermont and Maine had rejected it. Some observers believe New Hampshire would react favorably to a more carefully written Development Authority bill and that the compact and its objectives are fundamentally sound. The state has some proponents of public power, and in 1947 and 1949 bills were introduced, but defeated, for a Merrimack Valley Authority. The Democratic party in New Hampshire in 1949 came out for full utilization of water resources, and had planks for some public projects. Within the dominant Republican party there is some support for greater use of water resources, but this does not include a federally controlled regional authority. Another view is that so far the regional approach has been political rather than economic, and that the northern states with undeveloped hydro sites have less to gain than the "have not" states in a power compact.

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Maine's power-embargo law has been almost sacred to the inhabitants for several decades. Now the power companies, likewise, are ardent supporters of it. Because of this law the Maine power companies are among the few large utilities in the country who do not participate in interstate commerce. Hence, to date, they are not under the jurisdiction of the Federal Power Commission. The Maine power companies like it that way. A regional compact would subject them to another regulatory stratum.

Although certain parts of New England are replete with flood hazards, Maine, fortunately, is relatively well off. Thus federal aid is not needed for flood control projects, which are often an entering wedge for power development. There are, however, pollution problems on some rivers. The conclusion of the New England Regional Planning Commission is generally accepted:

> Flood control presents no State-wide major water resources problems in Maine. . . . Damages on the Penobscot, estimated at $55,000 annually, are too small to justify extensive protective construction, but such local measures as removal of chemical obstructions and barriers to ice are desirable. . . . There has been more flood damage on the Androscoggin than on any other Maine river, but even there and likewise on the Saco, where damages have been fairly high, the construction of flood control reservoirs would entail expenditure quite out of proportion to the benefits that would accrue.[34]

In 1927 and again in 1929, bills were introduced in the Maine Legislature to provide for a commission to negotiate a treaty regarding the water powers and electricity of New England. They gathered little momentum.

Professors Felix Frankfurter and James M. Landis saw in the compact method a great possibility for regional control of power problems, thereby avoiding national regulation. Professor Frankfurter visited Maine in 1927 to advise the state how to solve its power problem easily, but he did not have the

[34] Report of the New England Regional Planning Commission for the New England Basins (Washington, 1937), p. 7.

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answer the Maine people wanted. Professor Frankfurter assumed that Maine's settled power policy was threefold: (1) Maine power for the people and industries of Maine, (2) export of the surplus after Maine's needs are satisfied only under such conditions that Maine does not lose control in the future, (3) fear of the assumption of national authority—legislative or judicial—over water power. What is now obvious was not entirely so then, that Professor Frankfurter was incorrect in the second assumption. But with these hypotheses granted, he logically reasoned that, since Maine had a predominant interest in her water power resources, her interest was not only in local consumption but also in the sale outside as far as such sale was consistent with her local needs. Said Professor Frankfurter:

> Resort to the Compact Clause is the effective way by which Maine can achieve the ends she had in mind in regard to her water power. By an arrangement with the other New England states, to which Congress undoubtedly would give its consent, Maine can work out the details for continuing to exercise effective control over her locally generated water power while at the same time making a flexible provision for allowing under appropriate safeguards the export of any of her surplus water power, if and when a proper commission, on which Maine's interest is effectively represented, should find that there is an exportable surplus. . . . The road to wise water power development and the ample protection of the interests of Maine lies toward an interstate compact and not otherwise.[35]

Professor Frankfurter was not, however, advocating this plan to help Maine maintain her traditional particularism in hydroelectric energy, because two years earlier his important article in the *Yale Law Journal* stated: "If and when circumstances which now call for solution through compact change, Congress is wholly free to assume control." [36]

Protests were made in the press, especially on Professor Frankfurter's second point. One phase of the Maine attitude

[35] Lewiston *Evening Journal*, March 9, 1927.

[36] "The Compact Clause of the Constitution—A Study in Interstate Adjustments", in *Yale Law Journal*, May 1925, p. 727.

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to the "easy Harvard plan" was expressed as follows: "Of course we do not perceive any difference between power leaving the state under compact between states and power so transmitted under Federal laws. We had as soon be run by Uncle Sam as by a five-to-one vote of the New England states." [37] Representative Ellis L. Aldrich opposed the bill because Professor Frankfurter's reference to it as "an interesting experiment which he hoped Maine would undertake" meant that Maine would be experimenting in giving much to states having nothing to offer in return.[38] The proponents replied that the other states had markets to offer for the Maine surplus. The following statement by Walter S. Wyman is representative of the attitude of particularism and jealousy on the power issue in Maine: "Now the minute you ask Massachusetts to enter into a compact they will begin to trade with you and trade the life right out of the proposition or else they won't play." [39]

Senator Charles B. Carter argued that, since the other New England states have developed practically all of their power and Maine is the only state having much undeveloped potential, Maine should not participate equally in a regional plan when it is the only state capable of selling much power, and the other five are all power-buying states. The Honorable Harvey D. Eaton of Waterville, originator of the "water district" legislation adopted throughout the country, does not consider electricity a suitable commodity to be regulated by compact. A compact is a contract, and one of the first requisites of a lawful contract capable of enforcement is that one of the contracting parties shall have such legal interest in, control over, or ownership of the subject of the contract as enables him to act in regard thereto. Measured by this standard, without public ownership of electricity, Maine simply fails to qualify.[40]

The 1949 bill in Maine came late in the session, and was introduced by unanimous consent. To some members of the

[37] Lewiston *Evening Journal*, March 9, 15, 1927.

[38] Maine *Legislative Record*, 1927, pp. 1059-1060.

[39] *Hearing on Power Measures*, Augusta, Maine, March 7, 1929, p. 121.

[40] Maine *Legislative Record*, 1929, p. 711; Lewiston *Evening Journal*, March 12, 1929.

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appropriations committee it was considered " just another New Deal measure hostile to private enterprise ", and attracted little attention. Regardless of the validity of rumors that if Vermont did not kill the bill Maine would, the Maine committee learned that the Vermont Legislature was about to defeat the proposal. The Maine committee refrained from reporting the bill until Vermont had acted; and then the Maine Legislature accepted without debate the report of its committee, " inexpedient at this time." [41]

VI

This is not the place to discuss the merits of interstate compacts—whether they pervert regionalism into sectional rivalry, or aid the states to work out their own regional problems, or invite the national government to supervise state prerogatives. For the benefit of the power-producing states, however, it should be emphasized that power compacts are no guarantee against assumption of full federal jurisdiction at a later date. If one Congress consents to a compact, another Congress is not prevented from withdrawing that consent. A compact cannot be used to restrict the power of Congress, otherwise Congress and two states could alter the Constitution. Consequently, even if a compact should give the power-producing states wide latitude in controlling their contributions to a regional pool, Congress could later assume jurisdiction as interstate commerce. For over forty-one years Maine has been intent on avoiding such a risk. Furthermore, since a compact is a contract, a state cannot unilaterally repudiate the provisions.[42] Assuming six Yankee traders could agree on terms, they could be altered only by mutual consent of the contracting parties.

Unless states can agree on fundamentals (and " have " and " have not " states seldom can), chances for an important compact are slight. The power question for the present seems too hot and emotional for rational negotiation. Certain staunch prejudices will have to be eliminated before conservative north-

[41] Maine *Legislative Record*, 1949, pp. 1981, 2134, 2255.

[42] *Green v. Biddle*, 8 Wheat. 1 (1823); *Pennsylvania v. Wheeling and Belmont Bridge Co.*, 18 Howard 421, 432-433 (1855).

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ern New England can agree. Such stereotypes as a Ten Year Plan by the "planners" and alleged executive usurpation of legislative prerogatives are unpopular up there. Although the powers of the Authority at first would be advisory only, it would be the entering wedge for a regional economic parliament superimposed on the states. Its instruction to procure federal funds for execution of its projects would simply be an invitation for the national government to encroach further on the reserved powers of the states. Although power is merely one of the several subjects of the proposal, some Maine solons see an Ethiopian in the kindling, a means for them to be maneuvered out of their Fernald Law. Perhaps this should not be the case, but one must deal with realities. Although four of the New England states are considerably older than the national government, Vermont and Maine are younger, and each owes its existence in part to a "breaking away" from other states.

Regardless of whether it be accomplished by compact, much constructive work needs to be done on the New England power situation which transcends state and regional lines. The wide variation in and an almost complete misunderstanding of the estimates of undeveloped power show the need for a more scientific study based on actual field work and objective but skillful public reporting of those results. Even though a large but well-organized group may be cumbersome, in order for the voters to have confidence in a power study, both national and state representatives must participate, speaking for such diverse groups as legislators, administrators, engineers, social scientists, lawyers, rural and urban representatives, utility interests, public power proponents, and others. This "representative sounding board" could have specialists do much of the research under its direction. Then full and free discussion based on substantiated data would permit the people to decide broad issues intelligently.

Congress considered last year a Northeastern survey for multiple-purpose water-shed development to include New England with or without New York State.[43] In October 1950

[43] 81st Congress, 2d session, H. of R. 5472. In the Senate April 17, 1950, pp. 46-48.

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President Truman set up, without congressional action, the New England–New York Inter-Agency Committee consisting of representatives from seven national administrative agencies which hopes to complete a survey by July 1, 1952.[44] The President's letter called for state participation in the survey and each governor has appointed a representative, though the degree of state influence is at present uncertain. At least a large part of the field work will be done apparently by Army engineers. It may well be that action on the proposed development authority compact will be postponed pending the results of this survey.

Public power and REA have in some ways invigorated the private utilities; likewise the latter can be relied upon to challenge excesses of public power. The two groups are not necessarily incompatible, as experience at Hoover Dam and Enfield Rapids shows. Public power does not want to take the "leavings", but it must be recognized that private capital cannot undertake some projects essential to both the national economy and grassroots welfare. Private property rights are vital, perhaps almost sacred; but they cannot obstruct public progress. Even the most conservative jurisdictions recognize this principle. Feasible improvements for the *summum bonum* of the state, region and nation must go forward according to legislative and judicial standards, personal prejudice or purely local custom to the contrary notwithstanding.

One may postulate on paper that the great power markets of southern New England and the potential surpluses in the north (assuming some validity to the estimates) are complementary to each other. Attempts to effectuate a working agreement by the governors' conferences and other official and unofficial agencies are worthy of their best efforts. It is possible that the FPC may demand that Maine power companies transmit power under FPC license, and thereby break through the power embargo law. That, of course, would remove the greatest barrier to regional power administration. Very recently an interstate connection was made to enable Maine to import power during

[44] Letter from President Harry S. Truman to the Honorable Frank Pace, Jr., Secretary of the Army, dated at the White House, October 9, 1950.

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emergencies. But the state cannot reciprocate. If more inclusive regional or national problems must emerge, Maine's particularism in power policy will then be seen in a broader perspective.

If one of the reasons for lack of world order is the lack of truly world-wide institutions, the establishment of additional regional institutions ought to help pave the way for regional coöperation and development. If a New England Authority were established immediately, but on a more modest scale than the 1949 model, and within a few years it should prove itself and become a going concern, a little later it might tackle more dynamic subjects, such as power, and become a growing concern.

New England will consider the problems again, more profoundly than two years ago, perhaps even more successfully. But relatively little can be accomplished by the participating states until they reach some hitherto unattainable common area of agreement on objectives.

Lincoln Smith

New York, N. Y.

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BRITISH PARTY ORGANIZATION, 1950

TWENTY years ago the POLITICAL SCIENCE QUARTERLY printed James K. Pollock's paper, "British Party Organization". It described the developments in British party organization since 1902, when Ostrogorski's pioneer account was published. Professor Pollock commented on the paucity of studies that probed for "the focal points of British party control."[1] They remain as rare today. Frederic A. Ogg has repeated his earlier remark that "there is singularly little up-to-date and really informing literature on the general subject of party organization in Great Britain."[2] Since 1930, however, the Liberal party has almost disappeared as a parliamentary party; and since World War II, for the first time, the Labor party has had a parliamentary majority. The changes in party fortunes have led, especially since 1945, to changes in the party machinery. It is time once more to examine the organization of the two major British parties and to describe the recent developments that have taken place.[3]

I

The formal structure of the Conservative party of England and Wales is divided outside Parliament into two independent parts. One part consists of the constituency associations of the party and the National Union of Conservative and Unionist Associations; the other part, of the Conservative Central Office and the Leader of the Party.[4]

[1] Vol. XLV (June 1930), p. 162.

[2] *European Governments and Politics* (New York, 1945), p. 321.

[3] I echo Professor Pollock's remark that "Few authorities can be cited because one is forced, in treating such a subject as party organization, to rely upon direct personal observation and inquiry", *loc. cit.*, p. 162. I spent a year (1948-49) in Great Britain studying British party organization on a grant from the Social Science Research Council.

[4] The published sources, unless others are cited, for the details of the formal structure of the Conservative party given here are *The Functions and Rules of the National Union of Conservative and Unionist Associations* (London, 1947); Con-

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Although each association adopts its own rules, the organization of the Conservative constituency association is essentially the same everywhere. All party supporters in the constituency who contribute to the funds of the association are members. Each member belongs to a polling-district or ward branch that serves as a social center between elections and as a center for the canvass during a campaign. Apart from having representatives on the Executive Council of the association and having some influence over the selection of candidates for local government elections, the branches have no power in party affairs. Every member in the constituency is also entitled to attend the annual general meeting of the association. The meeting receives reports on the activities of the past twelve months and elects the officers of the association for the next year.

Between annual general meetings the management of the affairs of the association is entrusted to the Executive Council, which in turn may delegate much of its power to a small Finance and General Purposes Committee. The Executive Council is usually composed of the officers of the several local party units—the association, its branches, the local Young Conservatives, the women's section, and, if there is one, the trade-union committee—and a number of co-opted members. The Finance and General Purposes Committee usually consists of the officers of the association and other important members of the Executive Council. The Council and the Committee are in effect the constituency association. Between them, they normally exercise all its powers.

The constituency association " has complete autonomy in the management of its affairs ": " it appoints its own Officers, adopts its own Candidate, selects its own Agent and runs its organisation in its own way." [5] The only important departure

servative and Unionist Central Office, " Organisation Series " No. 1: *The Party Organisation* (London, 1947) (hereafter cited as *The Party Organisation*); and, National Union of Conservative and Unionist Associations, *Interim and Final Reports of the Committee on Party Organisation* (London, 1949) (hereafter cited as *Interim and Final Reports*).

[5] *The Party Organisation*, p. 13; *Interim and Final Reports*, p. 28.

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from constituency autonomy to be found in the rules of the Tory party occurs in some large county boroughs where city-wide associations have considerable authority over the associations in the parliamentary districts. The exception does not violate the principle of local autonomy, however.

The National Union of Conservative and Unionist Associations provides in its committees, councils, and Annual Conference the means by which the Conservative constituency associations consult with one another concerning their work in behalf of the Tory party. Every constituency association of England and Wales is represented in the appropriate area council and in the Central Council and Annual Conference of the National Union. The Scottish and Ulster Unionist parties are also represented in the two national bodies, and all Tory M.P.'s, prospective parliamentary candidates, and important officials of the Central Office are members *ex officio*. The Central Council amends the rules of the National Union, after due notice, by the votes of two thirds of its members present. The National Union Standing Advisory Committee on Parliamentary Candidates withholds the support of the national party from a prospective parliamentary candidate of whom it disapproves. Otherwise neither the councils and their several committees nor the Annual Conference has any authority under the present rules: "the functions of the National Union are primarily deliberative and advisory." [6]

Parallel to the representative organization of the National Union is the organization of the Conservative Central Office under the command of the Leader of the Party. The Leader appoints the chief officers of Central Office: the Chairman, the Vice-Chairman, and the Treasurers of the Party. They are responsible to him for the efficiency of the party organization in England and Wales, and they employ a permanent staff of organizers and propagandists in the national party headquarters and in twelve area offices in order to "help and advise" the various national and area councils of the National Union. The officials of the Central Office almost invariably serve on the

[6] *Interim and Final Reports*, p. 29.

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important committees of the National Union; but, formally, neither the Central Office nor the National Union has any authority over the other.

The Leader of the Party is elected by "the Conservative and Unionist Members of the House of Commons and the House of Lords, all prospective Conservative and Unionist Parliamentary Candidates in the United Kingdom of Great Britain and Northern Ireland and the Executive Committee of the National Union of Conservative and Unionist Associations."[7] It is a reasonable inference that the electoral body can depose the Leader (simply by electing a new one?), but there is no other limitation on his power. The Annual Party Conference of the National Union conveys its "decisions" to him. He can ignore them. Though the parliamentary party has an Executive Committee of back-benchers who keep the Leader informed of the views of the party,[8] he alone determines how the party whip is used and when it is to be withdrawn from a member. He appoints the parliamentary Whips.

Outside Parliament the Scottish Unionist party is separate from the Conservative party of England and Wales except for a small number of Scottish representatives in the Central Council and Conference of the National Union. The two party machines are similar, the most important difference arising from the retention in Scotland of the arrangement that puts the Chief Whip in charge of the party headquarters. Since 1911 the English Conservative Central Office has been under the Chairman of the Party Organisation; the Scottish Headquarters remains under the Scottish Whip.[9] The National Liberal party, formerly the "Simonite" or Liberal National party, also has maintained a separate but noncompetitive extra-parliamentary organization, though it may soon be almost absorbed by the Conservative party under the terms of an agree-

[7] *Ibid.*, p. 33. Except for the elections of Bonar Law in 1912 and Austen Chamberlain in 1921, the election of the Leader has followed his accession to the Premiership.

[8] David Clarke, "The Organisation of Political Parties", *The Political Quarterly*, XXI (January-March 1950), 89.

[9] *Ibid.*, p. 87; Pollock, *loc. cit.*, pp. 170-71.

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ment of 1947 providing for the creation of joint National Liberal–Conservative associations.[10]

Whatever their label, all Tory M.P.'s must accept the whip of the Leader of the Party. They also are dependent on their constituency associations for renomination and on the National Union Standing Advisory Committee on Parliamentary Candidates (composed of high officials of the National Union, the Chairman of the Party Organisation, and the Chief Whip) or the equivalent Scottish or National Liberal body for endorsement and support by the national party. Although the Tory parliamentary party is as a group independent of extraparliamentary party organs, the individual member is clearly subject to party discipline.

In form, except for the restraints on members of Parliament, the Conservative party is an almost completely voluntary association of autonomous units. In practice, the Central Office, under the Leader, dominates the party organization. "It is", as when Professor Pollock wrote, "the focal point of party control, and its activities extend to every phase of party life."[11]

It is obvious that constituency associations receiving financial aid from Central Office, usually in the form of free services rather than cash, are amenable to its suggestions. The number of such associations increases as the costs of political activity rise, as large contributors are persuaded by representatives of Central Office to give greater portions of their contributions to the national and area party funds, and as Central Office succeeds in channeling aid from rich to poor associations through its area offices. What percentage of associations is now subsidized by Central Office is hard to determine. Within county boroughs, the city associations take care of their own poor associations; and, in the past at least, many associations have been

[10] See Arthur W. Macmahon, "The British General Election of 1931", *American Political Science Review,* XXVI (April 1932), 335; Liberal National Organization, *A United Front for Freedom* (London, 1947).

[11] Pollock, *loc. cit.*, p. 163. "All the more important business is transacted in the Central Office alone, the representatives of the Union not being initiated into or consulted upon it." M. Ostrogorski, *Democracy and the Organization of Political Parties* (New York, 1922), I, 524.

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kept solvent by their candidates.[12] Thus, calculations that show convincingly that only a small percentage of Tory constituency associations can be financially self-sustaining do not prove that Central Office subsidizes the rest. At a minimum, however, two fifths of the associations are assisted financially by Central Office.[13]

All constituency associations usually accept the advice of Central Office and it controls the National Union easily, for the natural tendency toward oligarchical leadership in a political party is reënforced in the Conservative party by the Tory tradition of deference to leaders. Central Office places its staff "at the disposal" of the area and national councils so that the National Union will not develop its own permanent staff. It tries to funnel all information about party organization through its offices. But its precautions are supererogatory.[14] The peers and important company directors whom Central Office always manages to put on the key committees of the National Union, and who often act as its emissaries to recalcitrant local associations, are almost always able to persuade the members of the upper and upper-middle classes who control the local associations that they should coöperate with Central Office. The economic power and social influence of leading Conservative supporters sustain Tory party discipline.

Despite the "complete autonomy" of the local association in selecting and retaining its agent and its candidate, both are susceptible to pressure from Central Office. Central Office has trained and certified the agent, who organizes local party activities during and between elections. His advancement to a position in a richer association or his promotion to a place in an area or national office depends on the support Central Office gives him.[15] The typical prospective parliamentary candidate,

[12] See J. F. S. Ross, *Parliamentary Representation* (London, 1948), pp. 297-99; James K. Pollock, *Money and Politics Abroad* (New York, 1932), pp. 108-9.

[13] For earlier calculations, see Ramsay Muir, *How Britain Is Governed* (New York, 1932), pp. 133-34; Pollock, *Money and Politics Abroad*, pp. 57-58, 106-10.

[14] They are long-standing ones; see Ostrogorski, *op. cit.*, I, 526.

[15] Pollock, Pol. Sci. Quart., *loc. cit.*, pp. 176-77.

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whether a member of Parliament or not, is even more dependent on the goodwill of Central Office. Since the National Union and its committees are controlled in practice by Central Office, its officials are in a position to deny the party label to a candidate. Associations rarely retain black-listed men.

Occasionally a few independent-minded candidates with sufficient local support defy Central Office. In extreme cases, despite the principle of local autonomy, Central Office establishes rival local Conservative associations and endorses other candidates in order to enforce party discipline. But too many candidates are "carpetbaggers" and too many associations are loyal to the party leaders for there ever to be even a half-dozen such cases in one general election.

Although the Central Office occupies a dominant position in the party, the Leader of the Party is not an autocrat. His discipline is effective because he is supported by the social and business leaders of the nation. Their loyalty to him has its price: though he is permitted a great deal of discretion in determining what ransom property will pay for the security it enjoys under Tory rule, ultimately he must serve them. It is not only his policy that is tempered. His control of the party machine is qualified, too. The Leader of the Conservative party has never had in practice the personal authority over party headquarters and party funds that Liberal Lloyd-George once had. The Treasurers of the Party, for instance, though technically the personal appointees of the Leader, must be men trusted by the large contributors to the party funds. They must, in a word, be acceptable to the "Carlton Club". Indeed, a Leader of the Tory party who incurred the active hostility of the financial and industrial leaders of the nation would soon be ineffective, for all his formal authority.[16]

Today in opposition the Conservative parliamentary group is led by a "Shadow Cabinet" formally known as the Consultative Committee. Since 1945 the parliamentary party has also formed a series of committees to discuss public policies. Usu-

[16] For a discussion of the "Lloyd-George Fund", see Pollock, *Money and Politics Abroad*, pp. 72-75; for a slightly different interpretation of the relation of the Tory leader to his business allies, see Muir, *op. cit.*, pp. 136-38.

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ally a member of the Front Bench is chairman of each discussion group. Presumably most of these committees will disband when the party returns to office. In the extraparliamentary party, several consultative committees of the National Union have been created since 1945 to provide more formal machinery for liaison between the National Union and Central Office. Though they appear "to enhance the voice of the constituency associations" in party counsels, the committees are purely advisory and are packed with trusted officials.[17]

The important developments in Tory party organization since 1945 have made the Central Office more powerful than ever. National influence over the selection of parliamentary candidates has been increased, after a period of laxness, by the reassertion of the principle that prospective candidates should receive national endorsement before they appear before local selection committees. New financial arrangements have strengthened the national headquarters and weakened the associations. The Central Office is probably spending a larger part of what Conservatives spend for party organization and propaganda than ever before. To ensure that a larger share of collections flows into Central Office, not only have collectors for Central Office been more active but also a "voluntary" quota system has been established under which each association contributes annually to the funds of Central Office according to its ability to pay. Since poor associations are subsidized, this system is a means of taxing the rich associations to aid the poor ones. New regulations concerning the amounts candidates may be assessed by the associations nominating them have also been enacted. If enforced, the restrictions will destroy a major source of constituency revenue. The highest amount a candidate may contribute to his association under the new regulations is £50. Contributions to the funds of the national party remain unrestricted, however.

The limitations on the contributions of candidates carry the

[17] Clarke, *loc. cit.*, pp. 86-90; *Interim and Final Reports*, pp. 34-35, 40-41. *The Interim and Final Reports* are the source for the description of the changes in party organization since 1945 that is given here. The reports have been approved by the National Union.

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sanction that the candidate of an offending association will not be endorsed by the Standing Advisory Committee on Candidates. The limitations with the attached sanction were decreed by the Annual Conference of 1948, though the Annual Conference has no authority to bind the constituency associations under the present rules of the National Union. Possibly the rules are being amended by practice. The control of the National Union by Central Office is so secure that apparently the party officials now wish to turn the National Union into an organization with authority to coerce an occasionally uncooperative minority of associations.

II

The structure of the Labor party is carefully described in its Constitution and Standing Orders.[18] Under the present Constitution the Party Conference directs and controls the work of the party. It adopts, by a two-thirds majority of its card vote, specific proposals of reform to be included in the party program. It elects the National Executive Committee, which acts as the chief organ of the party except for the few days a year when the Conference is in session. The Party Conference is also the constituent assembly of the Labor party: by a simple majority of its card vote the Conference amends the Constitution of the party.

The Conference is composed of delegates from the local Labor parties of England, Wales and Scotland (the analogues to the Conservative and Unionist constituency associations) and from other affiliated organizations. Like every individual member of a local Labor party, each delegate must, "if eligible, be a member of a Trade Union affiliated to the Trades Union Congress or recognised by the General Council of the Trades Union Congress as a *bona fide* Trade Union."[19] In addition, the dele-

[18] A copy of the current Constitution and Standing Orders appears in The Labour Party, *Report of the Forty-Eighth Annual Conference of the Labour Party* (London, 1949) (hereafter cited as *48th Annual Report*), pp. 228-34. It is the source, unless other sources are cited, for the details of the formal structure of the Labor party given here.

[19] Constitution, III, 3 (b).

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gate must pay the political levy of his trade union and not belong to an organization that is black-listed by the national party. The delegation from each affiliated organization has a number of votes, known as its card vote, equivalent to the number of members of the organization who pay its political dues or levies and for whom dues are paid to the national Labor party. The total card vote at the Conference is always larger than the total number of separate individuals who pay political levies, for one individual may belong, for example, to an affiliated trade union, a coöperative society, a local Labor party, and a socialist society, each of which receives one card vote because of his membership.

At the Annual Conference of 1949, the 69 affiliated trade unions had a card vote of 4,782,000, the 581 affiliated Labor parties a card vote of 851,000, and all other bodies a card vote of 62,000. The trade unions had, in other words, over four fifths of the card vote. The six largest trade unions—the Amalgamated Engineering Union, the National Union of General and Municipal Workers, the National Union of Mineworkers, the National Union of Railwaymen, the Union of Shop, Distributive and Allied Workers, and the Transport and General Workers' Union—had 3,130,000 votes or over half of the card vote.[20]

The National Executive Committee consists of twenty-five members and a Treasurer, elected for one-year terms but eligible for reëlection indefinitely, and the Leader of the Party, *ex officio*. Twelve members are elected by the trade-union delegates to the Party Conference from among their own number. Similarly, one member is elected by the delegates of the socialist, coöperative and professional organizations and seven by the delegates of the local Labor parties. Five women members and the Treasurer are elected by the whole Conference. The National Executive Committee selects, subject to the approval of the Conference, a Secretary who is the chief permanent official of the party. He is in charge of Transport House, the party headquarters. He holds office at the pleasure of the National Executive and the Party Conference.

[20] *48th Annual Report*, pp. 105, 80-85.

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The constitutional position of the local Labor party is quite different from that of the Conservative constituency association. The latter is an autonomous member of a coalition, the former is the local branch of a national organization. The rules of the local Labor party must be approved by the National Executive Committee; its members and its delegates to area councils and the Party Conference must meet certain requirements. In many respects, though, the powers of the local Labor party are the same as those of the Tory association. Each selects its own officers and its candidates for local government positions. Each selects its professional agent from those certified by its national party. (In many constituencies, however, the local Labor party has an untrained and unpaid organizer serving as its agent.) Each selects its prospective parliamentary candidate, subject to the approval of a national committee.

The organization of the local Labor party is similar to that of the national party. Branches of trade unions, local chapters of other bodies affiliated to the national Labor party, and local Co-operative parties (which are the political organs of unaffiliated coöperative societies) affiliate themselves to the local Labor parties. The affiliated organizations, the polling-district and ward branches to which individual members belong, and the women's sections are represented on the General Committee of each local party. The General Committee meets annually to review the business of the year, select local government candidates, and elect the officers and Executive Committee of the party. It meets on special occasions to select a prospective parliamentary candidate or deal with an emergency. The Executive Committee manages the affairs of the local party during the rest of the year. The individual members of the local Labor party never meet together except at a party rally.[21]

When the General Committee meets to select a prospective parliamentary candidate, any body affiliated to the local Labor party may sponsor a nominee, that is, agree to pay a large share

[21] The annual general meeting of the Conservative association is in practice only a rally, too. For local Labor party and Co-operative party organization, see The Labour Party, *Constitution and Rules for Constituency Labour Parties*, Sets A through F (London, n.d.); J. Bailey, *The Co-operative Party: An Outline of Organisation* (London, n.d.).

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of his campaign expenses. Also "independent" (unsponsored) aspirants may appear before the Committee. Sometimes it is easy to predict which candidate will be chosen. In mining areas, for instance, where large portions of the membership and money of the local parties come from the National Union of Mineworkers, it is common for a nominee sponsored by the Mineworkers to be selected. In general, a local party continues to nominate the same type of candidate it has chosen in the past. A "sponsored" seat usually remains a "sponsored" seat, an "independent" seat an "independent" one. The first is accustomed to the flow of money from the sponsoring body, the second to its pride in its independence. In general, too, "sponsored" seats are "safe" ones; the percentage of "independent" Labor M.P.'s rises when Labor captures the marginal seats. A Labor government, in other words, has proportionally more "independent" members than a Labor opposition.[22]

The name of a prospective Labor parliamentary candidate is submitted to the National Executive Committee for its approval. The Constitution of the Party requires that the Committee must be satisfied that the election expenses of the candidate will be met. The Constitution requires also that the candidate agree to obey the Constitution and Standing Orders of the Party and the Standing Orders of the Parliamentary Labor Party. The latter confer upon the parliamentary party "the authority to withdraw the Whip on account of things said or done by the Members of the Party in the House, such decision to be reported to the National Executive Committee." The member may not vote contrary to the decision of the party meeting; and, though on certain matters involving conscientious scruples he may abstain from voting for a party policy, persistent abstention is cause for disciplinary action.[23]

The professed purpose of subjecting the M.P. to the party whip is not, as in the Tory party, simply to strengthen the

[22] G. D. H. Cole, *A History of the Labour Party from 1914* (London, 1948), pp. vii-viii and *passim;* N. Barou, *British Trade Unions* (London, 1947), p. 135.

[23] *48th Annual Report*, p. 234.

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position of the Leader of the Party. The Leader of the Party is supposedly a servant of the parliamentary caucus, too. Indeed, when the Labor party is out of power, the Leader, Whips, and other officers of the parliamentary Labor party are elected each session by the parliamentary group.[24] The purpose of the discipline of the parliamentary Labor party is to prevent the parliamentary party, including its leaders, from becoming independent of the extraparliamentary party. The parliamentary group is allowed a great deal of discretion in determining when and how to implement the decisions of the Party Conference, but basically the M.P. is pledged to the decisions of the Conference, not to the policies of the parliamentary group or its leaders.[25] The purpose of the strict discipline of the Labor party, parliamentary and extraparliamentary, is to ensure that no group of individuals, particularly the parliamentary leaders, becomes more important than "the Movement" as a whole.

Unlike the formal structure of the Tory party, the formal structure of the Labor party does on the whole correspond to the actual distribution of power in the party. The constitutional provisions furnish, however, only an outline for the party organization. The means by which the officials of Transport House keep the local Labor parties in line exemplify the way the outline has in practice been filled in. The officials enforce the discipline of the National Executive rigorously. If the National Executive Committee disaffiliates a local party, it is almost always ruined financially. Few parties are subsidized by the national party, but almost all of them depend on the fees paid by the local branches of the trade unions. The payments end when a party is expelled. One reason why even fewer local Labor parties than Conservative constituency associations stand behind a candidate who has been rejected by the national party is that fewer can afford to do so. Another reason is that an

[24] W. I. Jennings, *Parliament* (Cambridge, Eng., 1948), p. 72; Clarke, *loc. cit.*, p. 84.

[25] James K. Pollock, "The British Party Conference", *American Political Science Review*, XXXII (June 1938), 529-30; Ogg, *European Governments and Politics*, p. 304.

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official Labor candidate almost always opposes an unendorsed one; the Tories put another man in the field only in extreme cases.

The use of formal discipline is an admission that other means of putting pressure on a troublesome local Labor party have failed. Normally the informal means are effective enough. The officials of the national Labor party can call on the national officials of the trade unions for help. The union officials are often able to persuade their local branches to put pressure on the local party. As in the Tory party, the national organizers in the Labor party can usually rely on the coöperation of the local agent. Again as in the Tory party, they can invoke the emotional ties that bind their supporters together. Such ties must exist in any democratic party that tries to maintain strict discipline. The cohesive spirit that makes the strong discipline of the Labor party possible is the loyalty of the British trade unionist to his " mates " and his leaders. This spirit exists to some degree in all the great trade unions; probably it is strongest among the miners. Without it, the disciplinary provisions of the Constitution of the Labor party would be mere words.[26]

When describing the " focal points of . . . party control " in the Labor party, one always returns to the trade unions. The relative importance of the several party organs varies at different times. In 1930 Professor Pollock believed that the National Executive Committee dominated the Party Conference and that the Labor Ministers were independent of the extra-parliamentary party. In 1938 he paid tribute to the effectiveness of the Party Conference. The " democratic " element in the party seemed to count for more in the lean days of the party. At all times, however, the huge card vote at the Conference and the heavy representation on the National Executive Committee and in the local parties betoken the actual power of the trade unions. " In the Labour party the control is

[26] Muir, *How Britain Is Governed*, p. 125; for the record of the miners in the 1931 election, see Macmahon, in *American Political Science Review, loc. cit.*, pp. 341, 343.

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possessed in final analysis by the trade unions." [27] The control is still possessed by them, despite the existence since 1945 of a strong Labor Cabinet that has seemed quite free from "outside dictation" by the T.U.C.

One of the first results of the Labor victory in 1945 was, as in 1929, a complete revision of the organization of the parliamentary Labor party. Since the Leader and Whips now hold office at the King's pleasure, they are no longer elected annually by the party. The Chairman and other officers of the parliamentary group are still elected each session but from among the back-benchers. Although the party meets at least fortnightly with members of the Cabinet frequently in attendance, more effective since 1945 in keeping the group and its leaders in touch with one another have been nineteen discussion groups, each headed by a private member, that question the appropriate Ministers, and a small Liaison Committee that includes the Leader of the House and the Chief Whip and meets at least weekly. The Liaison Committee also serves, since the suspension of the Standing Orders of the Parliamentary Party in 1945, as a disciplinary body. It reports instances of "persistent refusal to observe the decisions of the Parliamentary Party" to the party meeting. The party meeting may in turn report them to the National Executive Committee. For despite the suspension of the Standing Orders, "the right of the Party to withdraw the Whip from Members, should occasion require," was retained, and by 1949 party discipline was as strict as ever.[28]

No other important changes have been made in the formal structure of the party, but in practice the existence of a Labor

[27] Pollock, POL. SCI. QUART., *loc. cit.*, pp. 164, 178-79, and *American Political Science Review*, *loc. cit.*, p. 527. See, also, Muir, *op. cit.*, pp. 141-42; Ogg, *op. cit.*, p. 314; Cortez A. M. Ewing, "The British Labor Party", in *The Study of Comparative Government: An Appraisal of Contemporary Trends*, edited by Jasper B. Shannon (New York, 1949), pp. 36-37.

[28] For the 1929 revision and the makeshift organization under the coalition government of 1940-45, see Cole, *op. cit.*, pp. 230, 387. For details of the 1945 revision and of the present organization, see *ibid.*, pp. 471-72; *48th Annual Report*, pp. 77, 234; Clarke, *loc. cit.*, p. 84; *New York Times*, April 29, 1948, p. 12, May 19, 1949, p. 1, May 20, 1949, p. 12, May 26, 1949, p. 4.

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government has strengthened the position of the parliamentary leaders. "The Labour Party Conference has never yet opposed a Labour Government on any important aspect of policy." [29] In 1949 the Conference even agreed not to discuss local party resolutions relating to the program of the party for the impending General Election. Its control over the party platform was in effect completely surrendered to the Cabinet.[30] Though occasionally at Conferences the National Executive Committee has been prudently conciliatory and avoided a test vote, its concessions have not committed the government. The parliamentary leaders of the Labor party can ignore the decisions of the Committee.[31] Thus the Cabinet has been almost independent of the party organs in which delegates from the trade unions predominate.

Nonetheless, it is still true that basically the trade unions control the party. Like the Leader of the Tory party, the Leader of the Labor party is dependent ultimately on the support of those who make his authority and discipline effective. The Leader of the Labor party must retain the confidence of the leaders of the British workers. When they no longer believe he serves them, their loyalty to him dissolves, and he cannot remain party chief. When the T.U.C. refused to agree to drastic cuts in unemployment payments in 1931, for example, Ramsay MacDonald knew there was no chance of carrying the Labor party with him; [32] and George Lansbury, "the best-loved man by far in the Labour Movement," [33] could no longer head the party when the union leaders turned against him in 1935. Trade-union leaders will go a long way with a Labor government, for their loyalty to "our Government" is strong.

[29] *Manchester Guardian Weekly*, June 9, 1949, p. 8.

[30] *48th Annual Report*, pp. 112-14; Clarke, *loc. cit.*, p. 90.

[31] See statements by Mr. Attlee reported in *The Times Weekly Edition*, July 4, 1945, p. 6, and *Manchester Guardian Weekly*, June 22, 1950, p. 6; for an example of prudent conciliation at the 1950 Conference, see *ibid.*, October 5, 1950, p. 3, and *New York Times*, October 4, 1950, pp. 1, 18.

[32] Jennings, *op. cit.*, p. 200; J. R. L. Anderson, "Labour Party Anatomy", *The Spectator*, January 27, 1950, pp. 98-99.

[33] Cole, *op. cit.*, p. 381.

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But there is a point beyond which they will not go, and a Leader of a Labor government who insists, as Ramsay MacDonald insisted, on going beyond that point no longer remains Leader—of a Labor government.

III

Comparing the British parties of 1930 with those of 1902, Professor Pollock remarked the increased importance of the party machines.[34] The machines have continued to expand, especially since 1945. The most noticeable development in the organization of the British parties during the last five years has been the growth of their professional staffs.

Within both major parties, the paid employees—the permanent staffs of the party headquarters and the constituency agents—are responsible for mobilizing the supporters of the parties during a campaign. The constituency parties and associations dissolve during the period when the prospective parliamentary candidates are official candidates for Parliament. The members of the parties become voluntary canvassers and clerical workers.[35] The parliamentary candidates, following schedules drawn up by the agents, orate almost endlessly, but rarely take part in managing the campaign. Even the party leaders are too busy speaking to give much attention to the election machines. Thus, the "professionals" take charge of getting out the vote. The staff of the party headquarters handles national speakers and propaganda, helps constituency campaigns as much as possible, and keeps watch over local agents, particularly to prevent any local blunders which might have national effects. The local agent, "the most important person in the running of an election campaign,"[36] directs the campaign and canvass of his constituency and acts as legal agent for the candidate.

[34] POL. SCI. QUART., *loc. cit.*, pp. 166-67.

[35] *Ibid.*, pp. 163-64; in many constituencies the Labor party agent is also a voluntary worker.

[36] R. B. McCallum and A. Readman, *The British General Election of 1945* (London, 1947), p. 41.

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Until quite recently, however, both parties relied heavily on auxiliary groups. The Tories depended in the constituencies on "the normal organization of English upper- and middle-class life. The justices of the peace, the local notables, the members of hospital boards, the members of county councils, . . . [were], without any formal organization, the Conservative 'machine'."[37] Usually the centers of Conservative activity were the Constitutional Clubs and (a little earlier) the "habitations" of the Primrose League.[38] So effective was its informal organization that the Tory party in many areas kept its national party label out of local politics, Conservative candidates running under various names—for instance, in London they called themselves Municipal Reformers—in order to pick up independent votes.[39] At the national level the work of the Conservative party was done to a great extent by the pro-Tory press and, from 1931 to 1945, the Civil Service. The election-eve scare campaigns of the press became notorious.[40] The Civil Service quietly marshaled facts and figures for Tory Ministers. By 1945 the research and publicity staff of Central Office was a skeleton force.

The Labor party was assisted by its affiliated organizations. The Fabian Society supplemented the efforts of the research staff of the party. The trade unions provided aid of all kinds. During an election trade-union collectors became canvassers, trade-union office workers became clerical helpers. The agent of a Labor candidate was more often a trade-union organizer than a professional agent. Between elections union speakers and pamphlets preached the doctrines of socialism. Even the "official paper" of the Labor party, the *Daily Herald,* is more closely connected to the T.U.C. than to the Labor party.[41]

[37] D. W. Brogan, *The English People* (New York, 1945), p. 123.

[38] Ogg, *op. cit.*, p. 318.

[39] E. C. R. Hadfield and J. E. MacColl, *British Local Government* (London, n.d.), pp. 91-94.

[40] McCallum and Readman, *op. cit.*, p. 149; Macmahon, *loc. cit.*, pp. 343-44.

[41] For references to Labor's informal machine, see Ogg, *op. cit.*, pp. 317-18; Muir, *op. cit.*, p. 133; Barou, *op. cit.*, pp. 130-34; Cole, *op. cit.*, p. 249; Anderson, *loc. cit.*, pp. 98-99.

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In the past five years the formal party machines have become far more, the auxiliary organizations far less, important in British party politics. The informal "machine" of the Tory party has disintegrated. Socialist appointments have destroyed the Tory near monopoly of "the justices of the peace, the local notables, the members of hospital boards".[42] The Civil Service now works for the Labor Ministers. In the second post-war era the press is more evenly divided between the parties, and Tory press stunts are less effective than after the First World War.[43]

As a result the official Conservative party organization is doing far more than in the past. The party headquarters issues much more party literature than before 1945, and it now has its own "civil service". Its staff of national organizers has been increased in order to direct the development of the constituency associations. Membership drives in the constituencies have raised the total number of party members to over 2½ million, and the old Junior Imperial League has become a much larger group called the Young Conservatives. The Young Conservative organization is more social than political, but it provides a pool of voluntary party workers. To handle the enlarged party membership, of which only a small percentage is active however, the branches of the constituency associations have been developed as never before and the paid staffs of the associations have been increased. Since most of the Tory election machine is now within the party, the Conservatives fight local elections as Conservatives.[44]

Adversity has developed the Tory machine, prosperity the Labor one. Labor party membership has nearly doubled since 1945. The repeal of the Trade Unions and Trade Disputes Act of 1927, rather than increase in socialist fervor, is chiefly responsible for the sharp rise in trade-union affiliations from

[42] There is very little party patronage in Great Britain, but a Socialist Minister is more likely than a Tory Minister to consider trade-union officials, for example, qualified for appointments.

[43] McCallum and Readman, *op. cit.*, pp. 149, 181.

[44] Several of the recent developments are described in Clarke, *loc. cit.*, pp. 85, 88; for the new party "civil service" see *The Party Organisation*, p. 20.

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2,510,000 in 1945 to the present figure, but the local parties have been able to arouse enough enthusiasm to keep the ratio of individual to affiliated members constant. The growth of the party has helped create the need and supplied the money for a larger professional staff.[45]

Transport House has expanded. Today its research and publicity staff needs very little help from the Fabian Society. Copying the Tory pattern, the party headquarters has established regional branches to "assist" local parties. It has even set to work to build up the party organization in Ulster. To match the Young Conservatives, the Labour League of Youth has been revivified. In the past some of the earnest young men and women of the League embarrassed party leaders by criticizing party policies, but now the party bureaucracy feels strong enough to keep the League in hand.[46] Partly as the consequence of a resolute campaign by Transport House, many more professional agents have been hired by the local parties since 1945. Though the Labor party is still far short of its goal of having a certified agent in every constituency, many Labor parties in middle-class areas now have competent organizers for the first time and many parties in working-class areas need no longer depend on the part-time services of a trade-union official.[47]

The independent political organizations that enlivened British elections before the First World War had disappeared by 1930, casualties, Professor Pollock believed, of the Act of 1918 that in effect permitted only parties to spend money in a campaign.[48] Political campaigning had become the monopoly of the parties and their auxiliary organizations. Today it has become the monopoly of the parties. The auxiliary organizations still help provide the sinews of a campaign—money and work-

[45] Cole, *op. cit.*, pp. 480-81; Barou, *op. cit.*, pp. 137-39; Clarke, *loc. cit.*, p. 81; *Manchester Guardian Weekly*, September 28, 1950, p. 9.

[46] Cole, *op. cit.*, p. 469.

[47] Each Labor party *Annual Report* contains a section entitled "Party Organisation" which reviews the work of each year. For example, see *48th Annual Report*, pp. 10-16.

[48] POL. SCI. QUART., *loc. cit.*, p. 177.

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ers; indeed, the trade unions affiliated to the Labor party help more than ever. But the brain is the party bureaucracy. It is not much of an exaggeration to say that, despite the increased importance of the national party organizations by 1930, the constituency campaign of two decades ago was between the Constitutional Club and the Trades Council—and the Reform Club.[49] Today it is between two local party machines that are guided in increasing measure by the professional organizers of Central Office and Transport House.

IV

On the whole the organization of the Conservative party is more flexible and informal than that of the Labor party. The Tories have had at their disposal the powerful institutions of British society, " the normal organization of English upper- and middle-class life," and consequently have not needed a strong party machine. The Labor movement, which challenged the existing order, had to create a tightly disciplined political army.

The election of 1945, however, not only reversed party fortunes; it confirmed an important shift in social power within the nation. Working-class institutions are now among the most powerful in the community. The shift has forced the Conservatives to tighten while permitting the Labor party to relax formal party discipline. During the last five years the formal machinery of the Conservative party has been slightly augmented, and in practice the power of its Annual Conference over the constituency associations has increased. The leaders of the Labor party have been allowed more discretion than heretofore, and the discipline of the parliamentary party has become more informal though no less strict. These small changes, which have made the two party structures more alike, may be the precursors of greater ones, provided the political and social climate of Britain remains unchanged.[50]

The growth of the permanent staffs of the national headquarters and the constituency parties—the most conspicuous

[49] Professor Pollock did not deal with local organization, but he mentioned that it was not well developed, *ibid.*, pp. 169-70.

[50] Clarke, *loc. cit.*, p. 90.

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development in British party organization during the last five years—also has made the party machines more alike. A Tory organizer and a Labor organizer, like a company lawyer and a trade-union lawyer, have more in common than their " clients " have. The expansion of the professional staffs has also made the parties more efficient than ever. In the General Election of February 1950, almost 85 per cent of the electorate, a record percentage, voted.[51] Lastly, the growth of the party bureaucracies has increased the importance of Central Office and Transport House. Thus the parties have continued to develop as, according to Professor Pollock, " English parties would be expected to develop. That is, they have become more centralized and integrated." [52]

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[51] *The Times* (London), February 25, 1950, p. 6; *Daily Mail* (London), February 25, 1950, p. 1.

[52] POL. SCI. QUART., *loc. cit.*, p. 179.

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THE BRITISH LABOR GOVERNMENT'S TOWN AND COUNTRY PLANNING ACT

A STUDY IN CONFLICTING LIBERALISMS

I

THE third Labor government's Town and Country Planning Act was passed in 1947 and came into effect July 1, 1948. One who has studied the provisions of this legislation is likely to be amazed at the quiet manner with which the popular press, both in Britain and abroad, greeted the new laws. American newspapers, normally so ready to view with alarm what they consider the irresponsible antics of the British socialists, gave the new law scarcely more attention than was accorded to the same government's legislation on the taxation of dog racing. Even the British seemed hardly aware that the measure was designed to work changes in their lives which it is not too much to call revolutionary. As the London *Times* put it: "The British people, almost without knowing it, are embarking upon one of the greatest experiments in the social control of their environment ever attempted by a free society."

The *Times* also pointed its editorial finger directly at the principles involved in this measure which must attract the attention of thoughtful men everywhere who are confronted with the sometimes conflicting claims of freedom for the individual and increasingly collectivist concepts of the public good. By submitting to the new law, said the *Times,* the British people

> are putting old individual liberties in trust for the common good. The citizen surrenders his freedom to obstruct other people in the hope of gaining greater freedom from obstruction by other people, and he will judge the outcome by the degree to which his freedom in worthwhile matters is in fact enlarged. The danger of damping down initiative or enterprise without a corresponding gain needs no emphasis, but the fruits of success will be a prize worth having.[1]

[1] London *Times,* July 1, 1948, p. 5.

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Such sentiments as these have an appealing sound; judged by the generally accepted, if vaguely understood, canons of historic liberalism, they also contain a distinctly alarming note. Facile phrases like "putting old individual liberties in trust for the common good" or surrendering freedom "in the hope of gaining greater freedom" may seem to some to have that semantically seductive quality which constituted the appeal of certain modern Caesars who rose to power in the name of one or another form of "true freedom"—and who subsequently proved to be interested in different matters.

These few paragraphs, however, are not aimed at demonstrating that the Labor government is leading Britain inexorably down the primose path toward totalitarianism. If Labor is indeed doing that, and the Town and Country Planning Act of 1947 is one of the long steps in the journey, then, apparently, down that path Britain must go, because her major parties have all accepted—at least in principle—the changes wrought by this legislation.[2] The concern of the following pages, after a brief but necessary description of the background and mechanics of the Act in question, is to isolate and explore certain of its key principles and their ramifications as they may simultaneously reflect and contribute to new and changing concepts of the relation between society and its members.

II

The Act of 1947 was not the first example of town and country planning legislation to be passed by a British government. There had been others, notably in 1909, 1932 and 1944; but for a variety of reasons these had failed to produce the results hoped for by their backers. The most general faults of earlier legislation seem to have been: its failure to make possible a unified, over-all national policy on planning; the purely regulatory, or negative, powers granted to local planning authorities, which prevented a positive program of town and country de-

[2] Both the broad agreement and the specific criticisms of all parties in Commons appear in their members' speeches following the Second Reading of the Bill, January 29 and 30, 1947. See Hansard, *Parliamentary Debates* (*Commons*), Fifth Series, vol. 432, pp. 947 *et seq.*

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velopment; and, finally, the single greatest obstacle to effective planning and control which had been, in the words of a parliamentary investigating committee, "the fear on the part of the planning authorities of incurring indefinite liabilities in the matter of compensation if the extreme step of forbidding development by an owner on his land were taken." [3]

In 1940, the coalition government appointed a committee, headed by Mr. Justice Uthwatt, to inquire into these problems and to propose effective solutions. The findings of this group, embodied in the Report of the Expert Committee on Compensation and Betterment, were submitted to Parliament in 1942.[4] Briefly, this plan advocated that the state set aside a global sum for the purchase of development rights in suburban land, the sum to represent the fair value to the state of the development rights taken as a whole, and to be divided among the owners in accordance with the potential development value of their holdings—of which the proposed plan would deprive them; that the state purchase, on an *ad hoc* basis, the areas in built-up sections which were to be reconstructed, and then lease such land to would-be builders, whose plans had been approved, for a number of years; and finally that the state lay a levy of 75 per cent every five years on the enhanced value of private holdings in built-up areas where such enhancement is the result of public policy or community activity. That the fatherhood of Henry George and the brotherhood of the early Fabians had their effect on the terms of this scheme requires no argument.[5]

Such in brief were the Uthwatt proposals. They are complex and difficult to describe clearly, but they have been summarized here as indications of the relatively radical solutions

[3] Quoted, from paragraph 25 of the Uthwatt Committee Interim Report, by Lewis Silkin, then Minister of Town and Country Planning, in debate on the Second Reading of the Town and Country Planning Bill, 1947. Hansard, vol. 432, p. 949.

[4] The report is admirably condensed and digested by a competent historian in G. M. Young, *Country and Town: A Summary of the Scott and Uthwatt Reports* (London, 1943), pp. 112 *et seq.*

[5] Attempts at taxing the unearned increment in Britain are, of course, as old as the Lloyd George budget of 1909.

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to the British land problem which were being advanced by responsible, not necessarily leftist, British experts before Labor came to power. They are also important to the subject because the Labor government itself drew heavily on the Committee's findings in formulating its own policy.[6]

III

In the elections of 1945, the Labor party had made clear that they believed in the ultimate nationalization of the land but that such a measure was not to be accomplished overnight.[7] When the provisions of the 1947 Town and Country Planning Act became known, it was obvious that outright nationalization of the land was still a long way off, and yet, in its cautiously radical fashion, the government had prepared a bill designed to produce much the same result as sweeping nationalization.

The provisions of the Act were as follows: by confirming and enlarging the powers of the Central Land Board acting under the Ministry of Town and Country Planning (the Board was established in 1943 as an immediate result of the Uthwatt Report), the Act assures a degree of centralized, over-all planning; in order to offset too much centralization, the Act provides for the drawing up of development plans by the County or County Borough Councils, the publication of these plans locally in order to obtain public reaction to them, and the serious attention of local authorities to such public opinion before the plan is submitted to the central officials for final approval; as a means of streamlining the planning function, the Act established the County or County Borough Councils as the primary planning units—thus reducing the total number of local planning agencies in England and Wales from 1,441 to 146;[8] and, finally, the Act sought to pave the way for a truly positive program

[6] Mr. Silkin, for example, relied heavily on the Uthwatt Report in defending his Bill at its Second Reading. See Hansard, vol. 432, pp. 947 *et seq.*

[7] See "Let Us Face the Future: A Declaration of Labour Policy for the Consideration of the Nation" (1945), pp. 9 *et seq.*

[8] Central Office of Information, *Post-War Britain*, 1948-49 (London, 1948), p. 29.

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of planning and action rather than a merely regulatory or passive one. The specific proposals in this last connection, from both the theoretical and the practical points of view, are at once the most interesting, the most controversial, and the most radical departures from convention in the entire and complex history of such legislation in Britain. The nature of these proposals, and their implications in a liberal society, are the subjects of the remaining pages.

The idea of positive planning, as contrasted with regulatory planning, is based on the conviction that the planning authority should actively direct, in the interests of public policy, the use to which land shall be put. The authority, in other words, should be vested with power not merely to forbid a certain type of development on a certain piece of land; it should also be able to see that the right kind of development does take place on the right kind of land. To insure that the Central Land Board has this power, the Act allows the Board to designate land in development areas as subject to compulsory purchase by the Board, if the owner cannot or will not develop it in accordance with the plan or sell it to another who will.

Now obviously, both the preventive power and the power to force proper development on proper land, if they are to be really effective, must collide violently with conventional ideas of property rights, that is, the freedom to use your land as you will for your own best interests. Obviously, also, even where the state is prepared to recognize the existence of such a right (as it will appear that the Labor government did to a certain extent), and is willing to take it into account in carrying out a land program, certain practical considerations limit the respect which the state can pay to the owner's rights. The state, for example, cannot afford to pay an owner millions for a needed piece of land worth hundreds simply because the owner demands the high price. This rule is as old as the legal devices of condemnation and eminent domain. As early as 1943, the *Economist*, speculating on a post-war planning policy, had said; "If there is to be a positive plan, there must be public control over the areas affected, and the need to compensate

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private owners one by one for the restrictions that planning may place upon their property rights must not be an impediment to planning." [9]

In preparing their Bill, the government had faced this problem squarely, and in Part IV assured that the problem of compensation, in so far as it was conceded to exist, would certainly not be an impediment to planning. "The first question . . .", said Mr. Silkin in introducing the Bill at the Second Reading, "is whether the restrictions on development or redevelopment entitle the owner of land as of right or equity to the payment of compensation." Quite categorically he denied that they did; [10] but then he went on to announce that the government, apparently with more amiability than logic, had decided on a global compensation fund of £300 million, out of which the Land Board would make payments to those owners who suffered hardships as a result of losing development values and to all owners whose land was compulsorily acquired.[11] The implications of this interesting compromise between the logic of socialist principles and the liberal ethic are discussed below; the points of immediate interest are the repudiation of the conventional views of landowners' rights and the distinction made between the ownership of the land itself and the ownership of development or building rights.

The latter right has, in effect, been nationalized by the state. To use the terms employed in the Act itself, the state has confined the rights of owners to the "existing use value" of their land. Improvement value, actual or potential, becomes the

[9] "The Ownership of Land", *Economist*, July 10, 1943, p. 36.

[10] "The Government take the view that owners who lose development value as a result of the passing of the Bill are not on that account entitled to compensation." Quoted by Mr. Silkin from the Explanatory Memorandum, T. and C. Planning Bill, 1947, Hansard, vol. 432, p. 974.

[11] It is not yet known how the £300 million global sum is to be divided. Landowners who wished to make claims upon it were required to file them by March 1949. However, payment on these claims will not be made until 1953, by which time the assessors from the Land Board will have evaluated and processed the claims. Inasmuch as almost every nonagricultural landowner probably did (and, according to the *Economist*, should) file a claim for compensation for the loss of development rights, the job will be a tremendous one. See the *Economist*, June 19, 1948, p. 1005.

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property of the state. This principle has been put into effect by means of another financial scheme, quite distinct from the compensation plan. The "development charge" arrangement, subject of Part V of the Act, may be briefly described as follows.

The development charge, to be assessed and collected by the Central Land Board, is the device by which the state has taken all development values—on urban and suburban land, and land in new towns, but not on farm land in rural areas—out of private hands. Payment of the charge to the Board is required in cases where permission to improve the land has increased its worth over the "existing use value". As an example, let us suppose that Farmer A owns a piece of suburban land which he is using for the growing of vegetables, and which is assessed at £50 per acre for that purpose, that is, existing use value. Suppose, then, that the land is allotted in the local development plan for the building of houses. Mr. B, a housing contractor, is willing to pay £300 per acre to get the land in order to build houses upon it. Under the traditional system, B would simply negotiate the sale with A, and pay him the £300 agreed upon. Under the terms of the Act, the Central Land Board requires B to pay somewhere near £250 to the Board. (The exact proportion of the increased value to be confiscated as development charge is variable.) B can then offer A no more than £50 per acre—the existing use value. If A refuses to sell at that figure, and his land is required by the plan, the Board is empowered to take it from him—paying him compensation at the existing use value—and sell it to B, the sale still being subject to the development charge.[12] The assumption is that B's incentive to build comes from his profit on the houses rather than from his acquisition of land.

The original intention of the government had been to define the existing use value of the land in terms of 1939 prices—as an economy measure and as a hedge against inflated values—although the development charge to be extracted from the owner

[12] This simplified, and doubtless optimistic, explanation of the mechanics of the development charge is based on examples given in *Town and Country Planning*, Labour Discussion Series, No. 12 (1947), pp. 13 *et seq.*

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or builder was to be based on 1947 prices. This double standard met with furious opposition from Conservatives, Liberals, and the non-Labor press, including the *Economist*. Apparently the government was impressed by the adverse reaction, because in Committee stage, in April 1947, the Bill was altered to abolish the 1939 scale of compensation. The net effect, according to the *Economist*, must be that both the existing use value and the development charge would be defined broadly in terms of current market values.[13]

IV

Such, in broad outline, are the terms of this novel experiment in the social control of the land. That it is a highly important measure, all agree; wise use of the land is a particularly vital concern in the social program of the present British government, because every project for the improvement of the life and work of the people comes back at some remove to the land, which is the scene of every activity and, unlike certain other assets, is limited in extent.

But if public interest and national policy are intimately involved in the British land problem, so too is the question of individual liberties. The two matters are interrelated almost beyond separate recognition. Both critics and defenders of the Town and Country Planning Act ought at least to agree on that. Mr. W. S. Morrison (Conservative), who attacked parts of the Bill as outrageous violations of individual property rights,[14] does not for that reason stand convicted of indifference to the public interest any more than Mr. McGhee (Labor), who thought the Bill coddled the landowners at public expense,[15] is thereby proved guilty of contempt for individual liberty. The difference between the two men is largely one of approach and emphasis; their dreams of ultimate perfection in the use and enjoyment of British land may be identical.

[13] See the *Economist*, May 3, 1947, p. 666.

[14] In debate on Second Reading. See Hansard, vol. 432, pp. 991 *et seq.* Morrison was Minister of Town and Country Planning in the coalition government.

[15] *Ibid.*, pp. 1019-20.

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But because ultimate perfection is a state not likely to be attained,[16] the mere matters of approach and emphasis are important; indeed, they are crucial. By analyzing the variations in these matters with reference to specific parts of the legislation just described, the remainder of this study attempts to delineate some patterns of conflict and change in modern liberal thought as a whole.

V

Perhaps the most basic divergence of approach lies between those who would conceive of the general good as a *product* of individual well-being (and thus, in the first instance, are solicitous of the individual's freedom) and those who think broadly of the community welfare as the *source* of individual well-being (hence pay their first respects to what they term the public good). The present writer does not contend that there is necessarily a real and valid difference here, but certainly the dichotomy can be traced in much modern political and economic thought. Historically, of course, the first attitude is associated with classical, atomistic liberalism and the second, an ancient idea, is currently enjoying a revival as twentieth-century liberal societies move increasingly toward collectivism.

An excellent illustration of this divergence of approach and emphasis is provided in the debate on the controversial matter of compensation for landowners whose property is compulsorily acquired, or who suffer hardship as a result of loss of development rights. It will be remembered that such compensation is to come from the global sum of £300 million earmarked for the purpose. The government's motive, in following the Uthwatt recommendation to fix a global sum and then divide it up afterwards, was, according to the *Times*, to insure "that the price charged to the community would represent fair compensation *for owners as a class*, even though no individual

[16] The sensible acceptance of this likelihood by most liberal-minded people often exposes them to the charge of confusion and futility by those who, for one reason or another, have discovered a favorite species of absolute. The best reply to such charges is succinctly stated by Mr. Justice Holmes in his dissenting opinion in *Abrams v. U. S.*, 1919.

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owner's share might appear to him particularly fair." [17] Thus the government, probably through both necessity and inclination, approached the problem with first reference to public policy, and in terms of the most general considerations, rather than from the many particular points of view of individuals affected.

By contrast, Mr. W. S. Morrison, in attacking the Bill's global sum as inadequate, arbitrary and unfair, emphasized its shortcomings as they must appear to individual landowners. He charged that the sum was simply the result of an expedient bargain between Mr. Silkin and the Exchequer, with no reference to individual justice, and that the failure of the Bill to specify how the sum was to be apportioned merely emphasized its already highhanded character. The £300 million, he said, is a total figure, but "what matters to the man who suffers loss of his development value is how much he is likely to get out of that global figure." [18]

Now just how much of Mr. Morrison's statement—and others which will appear—springs from sincere principle instead of from mere parliamentary tactics or rationalized self-interest is not the question here. What is important is his emphasis, the initial concern for the individual, for the particular, which conflicts clearly at this point with the provisions of the Bill—framed as they were in terms of the group as a whole.

Morrison's individualistic approach came at the Bill from the right and collided with it. Lest this collision seem to knock the Bill out of the middle of the road, it promptly received compensatory bumps from the left. Said Mr. McGhee from the Labor benches:

> The Minister roundly condemned private property in land and all its results. But, in the next breath, he suggested that we owed these dispossessed and restricted landowners something. I cannot understand why a Labour Government should set aside this huge sum of £300 million to pay hard-up Dukes and Earls. . . . To prevent these people stopping good planning up and down the

[17] London *Times*, January 29, 1947, p. 5. My italics.

[18] Hansard, vol. 432, p. 995.

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> country, we have to pay £300 million out of the public funds. . . . What we are really paying for, is to induce these people to cease preventing good planning.[19]

Here is the "public good" approach *par excellence*. Mr. McGhee is apparently a less comfortably illogical man than the Minister; in his eyes, where public policy dictates condemnation of the individual's conventionally conceived rights in land, the principle should be acted upon without timid apologies to contrary concepts. The *Times* editorial, quoted at the beginning of this paper, had mentioned putting old liberties in trust for the common good; Mr. McGhee, equating in this instance "good planning" with "common good", and conceiving such good to be the cause rather than the effect of individual welfare, pled for efficiency in securing the health of the whole as the surest way of guaranteeing the welfare of the parts. The pattern of conflict between the respective approaches of McGhee and Morrison is one of the most fruitful sources of the turbulence of modern liberal thought.

VI

Another assumption in the excerpt from Mr. McGhee's speech just quoted may be isolated to introduce a second major conflict of thought about the terms of this Bill, which is also of deeper interest than its immediate subject. He implied that "hard-up Dukes and Earls" were particularly ill-qualified to be the recipients of such compensation as the Bill envisaged. Presumably hard-up clerks and cobblers would, in justice, deserve better treatment. Very well; one's convictions or prejudices may accord with that presumption, and a vital question of principle still remains—the old liberal belief in the rule of law and the equality of all before that rule.

On the basis of these venerable principles, critics of the Bill found fault with its provisions for both compensation and development charges. These provisions were called arbitrary, discriminatory, and designed to expose the citizen, both as an individual and as a member of a class, to capricious treatment

[19] *Ibid.*, pp. 1019-20.

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at the hands of the government—in violation of the most respected canons of constitutional law. The provisions concerning the collection of the development charge excited the most numerous controversies in this regard.

Mr. Silkin had explained in introducing the Bill that he had rejected the idea of a fixed and uniform percentage of increased value of the land as a development charge, because, in his view, "to have a fixed percentage in the Bill would be much too rigid". There will be cases, he said, "where the Central Land Board should impose a 100% development charge and others where it would be important to encourage development by reducing the charge, either on account of economic conditions in the country generally, or in particular areas where unemployment is above the average."[20] The Bill itself specified that the charge would be determined by the Land Board, "on different principles in relation to operations or uses of different classes, or in relation to operations or uses carried out or begun at different periods."[21]

With varying degrees of intensity, opposition artillery was trained on the principle thus announced. The *Times*, in a tone of austere liberal orthodoxy, inquired, ". . . is it not just and reasonable that, once the level of the charge has been settled, it should then be levied at a *uniform* rate on *all* developers in *all* parts of the country?"[22] Mr. W. S. Morrison, whose practical background as Town and Country Planning Minister in the coalition government doubtless modified any inclination he might have had to look indignantly down on the principle of flexibility from the heights of the purest liberal theory, summarized his objections to this part of the Bill concretely and intelligently: "With the general principle of differing rates of charges for different types and circumstances of development,

[20] Hansard, vol. 432, p. 983.

[21] London *Times*, February 3, 1947, quoting from the Bill, p. 7. "Neither the method of calculating what appears to be so far an arbitrary sum of £300 million provided for compensation, nor the method of calculating compensation, nor the operations of the proposed development (betterment) charge is contained in the Bill." *Ibid.*, January 29, 1947, p. 5.

[22] London *Times*, January 29, 1947, p. 5. My italics.

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I am not in disagreement, but I think we should have much more definition in the Bill of the *principles* of discrimination." Morrison saw the charge as "a matter of taxation", and asserted that the government's plan offended "against two canons of taxation which are constitutional in their importance . . . . The first canon is that of uncertainty. The taxpayer should be clearly told by the House what his liabilities are." [23] The second canon which he considered violated was that of "equality as between all the persons affected . . . ." [24]

It seems clear that this particular conflict of principles is related to, and stems from, the differing emphases of Mr. Morrison and Mr. McGhee, which were illustrated in the previous section. Mr. Silkin's preference for a flexible charge does not derive from a simple desire to tyrannize over certain individuals, but from a conviction that rigidity would not lend itself to furthering public policy so effectively as would his scheme; his emphasis in the first instance is on the general good. Conversely, the attitudes of the *Times* and of Mr. Morrison arise not from mere disdain for the general welfare, but from the broad conviction that the certainty of the law, and its impersonal application, are necessary to make it tolerable in a free society; their initial concern is for the fate and fortunes of the human units who together make up the generality.

If this contrast requires further illustration, it is provided by remarks of Mr. Silkin and his critics during the Committee stage discussion of the rôle of the Land Board with respect to the development charge. The Board, he told the Committee,

> will be governed by commercial considerations tempered by public interest. . . . In some places they would not charge the full amount of the development value they could get if they were actuated by commercial consideration. The charge is not in any sense of the word a tax, but merely a transaction between two individuals, freely entered into, because the developer can refrain from making application to develop if he wants to.[25]

[23] Hansard, vol. 432, p. 991.

[24] *Ibid.*, p. 997.

[25] Quoted in the London *Times*, April 11, 1947, p. 5.

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This cheerful reasoning appeared to many observers as a fatuous form of heads-I-win-tails-you-lose type of argument. In general, such critics contended that the Minister's reasoning was fallacious because dealings between the Board and the owner or developer were in fact not "a transaction . . . freely entered into". Quite the contrary, they said, no transaction can be claimed to be freely entered into when one party (the Board) is in a position to hold a perfect monopoly over the object of the bargain (that is, the right to develop a given piece of land).[26]

As a check on the power of the Board, the opposition offered an amendment providing for an Appeal Tribunal, to which owners or developers, dissatisfied with the Board's decision on their development charge liabilities, might appeal their cases.[27] Argument for this amendment derived from another revered old liberal canon—belief in the necessity of a separation of powers. It was thought that the Land Board, having the executive power respecting land, compensation and development charges, should not also have the supreme judicial power in the same matters. The *Times*, in a major editorial, said that such an Appeal Tribunal was essential "in order to protect the citizen against the possibility of abuse of power by a monopoly. The need for such protective agencies, standing outside the political system, arises wherever effective monopolies exist, whether they are creations of the State or private enterprise."[28] The moral of this argument is clear. It is simply the distrust of power as a thing which corrupts; a distrust which has run through liberal thought since it arose, as a functional phenomenon, in response to the need of individuals for a check on concentrations of power in the pre-liberal era. Whether time and events have deprived this distrust of its functional validity, or whether other, more compelling needs have arisen which call for other responses, and make the traditional beliefs mere luxuries

[26] This argument, or similar ones, may be found in detail in the *Economist*, May 10, 1947, p. 702; in the speech of Mr. W. S. Morrison quoted above, Hansard, vol. 432, pp. 997 *et seq.*; and in a London *Times* editorial, April 11, 1947, p. 5.

[27] London *Times*, April 11, 1947, p. 5. The amendment was not accepted.

[28] *Ibid.*, p. 5.

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of a more prosperous age, only the future history of liberty in Britain will tell.

VII

So far, this paper has concerned itself exclusively with the provisions of the legislation concerned and with their theoretical implications. It is difficult to draw any satisfactory conclusions about how the Act is working out in practice. The compensation scheme, for example, will not be clarified until 1953, and its secrets are buried in the current files of the Land Board. Available evidence as to concrete applications of the new law indicates a good deal of confusion attending its operation. For example, the *Economist* noted that much land was continuing to change hands at prices well above the existing use value—that is, the buyer was paying all or part of the potential development charge to the seller. In view of the probability of the Land Board extracting the full development charge from the buyer when building permission was granted, the *Economist* took a gloomy view of the likelihood of prices being kept low and building encouraged.[29] These two desiderata are among the main objectives of the Act; hence, if the *Economist*'s pessimism is justified, the legislation is in danger of defeating its own purpose.

A speech by Sir Malcolm Eve, Chairman of the Central Land Board, to a conference of the National Federation of Property Owners in London on October 14, 1948, seems to bear out the *Economist*'s view. Sir Malcolm's message, summarized by the *Times*, was:

> People found it difficult to accustom themselves to the idea of selling at existing values. Some owners had withdrawn land from sale; others would sell only on the pre-Act basis. Others offered to sell their claims on the compensation fund as part of the sale of their land, with the claim priced at 100 per cent. And some people—mostly purchasers, which made it worse—were buying and selling in complete ignorance of the Act.[30]

[29] The *Economist*, October 16, 1948, p. 614.

[30] London *Times*, October 15, 1948, p. 2.

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The picture is one of confusion. Whether the difficulties are the fault of the citizens engaged in land transactions, or result from a lack of clarity in the terms of the Act itself, is difficult to say. Certainly the charge of imprecision so frequently made against the Act has evidence in its favor. That is illustrated by a single remark of Sir Malcolm's at the landowners' meeting. A delegate asked him if the sale of a claim on the compensation fund was a crime under the law; "The sale of such a claim", he announced, with a lack of precision which must have appalled old-fashioned legislators, "was not a crime, but in some cases nowadays it is getting extremely near dishonesty." [31]

It is too easy, however, to explain the faults of this Act solely by personal woolly-mindedness on the part of the individuals who framed or who administer it. The cause of the confusion lies deeper. The secret of its source is suggested by another remark of Sir Malcolm's. The *Times* reported him as saying that the Land Board

> were trying to run the Act within the framework of ownership, management and selling that had existed before, and were trying to make it work in with what people had been used to in the past. If that could not be done, the Act would have to be made to work the other way.[32]

This attitude is revealing. For a variety of complex reasons, the British people have elected to power a political party pledged to give them, through means generally called collectivist, a more secure, fuller, and hence freer life. The new approach is based on the belief that historic liberalism, laudable as were its theoretical aims, delivered the goods only to the strong; hence liberty was in fact the privilege of the few, and liberalism was in large measure defeating its own purposes. The Labor party is earnestly attempting to distribute liberty more evenly. If the essence of liberalism may be said to be a belief in the individuality of man and the desirability of assuring to each the opportunity for the fullest development of his potentialities,

[31] London *Times*, October 15, 1948, p. 2.

[32] *Ibid.*

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then the aims of that party's program are not illiberal. At any rate, the men who form the party are, in common with their political opponents, the heirs of a long tradition of British liberalism. While attempting to meet new problems with new solutions, they still cannot totally abandon an attachment to the old liberal ways. Sir Malcolm Eve's stated preference for achieving new solutions to the land problem within the old framework of liberal practice is but one example of a mixture which might appear to some as confusion, and to others, as wisdom.

The foregoing study has outlined what is in reality a conflict of liberalisms. The conflict is waging between the government and the opposition, and, more subtly, within each group itself. A growing attachment to the concept of the right of all to a decent life, conceived in general terms, is at war with a conventionally sacrosanct approach to the relation of the individual to society which lays first stress on the particular. The Town and Country Planning Act of 1947 is an attempt to synthesize these contrasting approaches. There can be no doubt that, in this attempt, certain of the traditional, legal guarantees long considered essential to a liberal régime have been sacrificed. Old individual liberties are indeed being put in trust for the common good; if the trust is not violated, if the hoped-for result—a greater freedom in essential matters—is indeed achieved, the socialists may well prove themselves to have been the authors of perhaps the greatest possible tribute to the staying power of the liberal spirit in Britain.

KEITH C. CLARK

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CANADIAN POLITICS

I

"POLITICS in Canada", a Canadian scholar has noted, "may be described as an English game played under North American conditions."[1] The astuteness of this remark was never more conclusively demonstrated than in the general election of June 1949. The purpose of the election was to select officials who would operate an English type of parliamentary system, but the strategy of the campaigners, their issues and their methods were distinctively American.

II

The House of Commons[2] whose existence ended April 30, 1949, consisted of 245 members: 125 Liberals, 69 Progressive Conservatives, 32 representatives of the Co-operative Commonwealth Federation (CCF), 12 Social Crediters, and 6 others. The writs of election, issued following the dissolution, called for the selection of 262 members.[3] The 262 seats were contested by 848 candidates: 260 Liberals, 249 Progressive Conservatives, 180 CCF, 55 Union of Electors, 27 Social Crediters, 19 Labor-Progressives, and 58 representing minor groups.[4]

The odds, most political analysts admitted, lay with the Liberals. They had been in office since 1935, and had given the country a good, efficient government. Theirs was a well-organized, highly disciplined party which for almost thirty years had functioned under the capable leadership of William Lyon

[1] R. A. MacKay, "The Nature of Canadian Politics", in the proceedings of the 1935 *Conference on Canadian-American Affairs* (New York, 1936), p. 191.

[2] The members of the Senate, the second chamber of the Canadian Parliament, are appointed for life.

[3] Of the 17 new seats, 10 were added by the 1947 Redistribution Act and 7 by the admission of Newfoundland into the union, March 31, 1949.

[4] The statistics are from *The Montreal Daily Star*, June 25, 1949.

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Mackenzie King, one of the most astute politicians of our day. Finally, it was the Liberals who had selected the date for the balloting.

The most serious handicap of the Liberals, it was assumed in April 1949, was their entry into the race under new and relatively inexperienced leadership. Advancing age and ill health had forced the "old master", Mackenzie King, to relinquish the leadership of the party. As his successor, the National Convention, meeting in Ottawa August 5-7, 1948, had selected Louis Stephen St. Laurent, who had first entered public life in 1941 as Mr. King's Minister of Justice and, at the Prime Minister's insistence, had stayed on to become Minister of External Affairs. Mr. St. Laurent's ability and integrity were admitted by everyone. Furthermore, as a native of Quebec, it was assumed that he would be able to make a strong bid for the votes of that strategic province. But he could not lay claim to knowledge of the ways of politicians. More serious still, it was reported that he was "a man utterly lacking in personal magnetism or popular appeal," an individual who regarded politics as "a rather sordid and undignified game." [5]

The chief challenge to the Liberals' continuation in office came from the Progressive Conservatives. During the first quarter-century after Confederation, and again between 1911 and 1917, the Conservatives (as they were called prior to 1943) controlled the government. Then they fell upon evil days. Prime Minister Borden's attempts to impose conscription during World War I caused French Canadians to desert the party by the thousands. Borden's retirement in 1920, for reasons of health, came as a second severe blow. Thereafter one leader after another attempted the task of party rehabilitation. But, except for the years 1930 to 1935, when R. B. Bennett headed a Conservative ministry, all such attempts met with dismal failure. Then, late in July 1948, came the resignation of pedestrian, uninspiring John Bracken and the election to the leadership post (by the Progressive Conservative Convention of September 30-October 2) of dynamic, colorful George Drew of Ontario. At once the party took on new life and vigor.

[5] W. E. Greening, "Canada's Liberals", *Fortnightly*, January 1949, p. 16.

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Drew's first significant action was to undertake a speech-making tour into autonomy-minded Quebec, emphasizing, wherever he went, provincial rights and the need for economy in government. Then he moved into Ontario long enough to get himself elected to Parliament, in a by-election held in the riding of Carleton. Immediately thereafter he made a visit to the Maritime Provinces. With the opening of Parliament in January of 1949 he carried his fight onto the floor of the House of Commons.

The results of Mr. Drew's efforts were soon evident. The Conservative parliamentary group, which in previous sessions had seemed paralyzed by apathy and uncertainty, was quickly "transformed into an effective fighting force. . . ." [6] The morale of the rank-and-file party members registered a noticeable improvement. Victories were won in electoral contests in Digby-Annapolis-Kings, in December 1948, and in Nicolet-Yamaska, in February 1949. And the Canadian Institute of Public Opinion reported a substantial upturn in public support for the Conservatives throughout the nation.[7]

Then something happened. Just what it is difficult to say. Possibly the Conservatives became overconfident and failed to follow up their initial advantage. Possibly the Liberals recovered from their original surprise and took steps to strengthen their political organization. Again, possibly Mr. Drew's parliamentary offensive "did not match vigor with strategical wisdom and resource." [8] In any event, by April of 1949 the upsurge of Conservative support had faded out and the prospects of the Liberals had considerably mended. By early June it was evident to all (except perhaps the most zealous of the Conservative party workers) that a Liberal victory was in the making. Nevertheless, there was still no inclination on the part of most of the prognosticators to count Mr. Drew's party out of the running. As late as June 20, for example, a veteran journalist expressed the opinion that "a gain of something like 20

[6] *Round Table*, June 1949, p. 222.

[7] *Saturday Night*, June 21, 1949, p. 4.

[8] *Ibid.*

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or 25 seats" by the Progressive Conservatives was "quite probable".[9]

In mid-1948 the CCF had seemed more of a threat than the then low-spirited Conservatives to the continued supremacy of the Liberals. The party had arisen during the bleak days of the depression. At first its growth had been far from impressive. In the election of 1935 it had won seven seats; in 1940 it had picked up one more. Then, as discontentment, arising out of the government's wartime policies and out of fears of post-war unemployment, began to spread among factory workers, soldiers and miners, the CCF scored one electoral victory after another. In the Ontario election of 1943 it was returned as the second largest party. By the end of 1943 it had become the official opposition party in British Columbia, Saskatchewan and Manitoba, as well as in Ontario. In 1944 it was permitted to take over the government of Saskatchewan, and in the general election of 1945 it increased its parliamentary representation to 28. And that did not by any means end its victorious march. In June of 1948 the party won a federal by-election in British Columbia. A few days later it gained a further seat in Ontario and added still another from British Columbia.

These CCF victories the Liberals attempted to explain away as the "inevitable consequence of war . . . high living cost" and privations and restrictions of various sorts.[10] But they could not entirely conceal their anxiety. They were fully aware that the CCF was potentially a formidable opponent. The party was well organized, had in M. J. Coldwell a leader of outstanding ability, and was in an excellent position to make political capital out of the widespread grievances arising out of the high cost of living and the government's failure to solve the housing problem.

Like that of the Progressive Conservatives, the CCF threat proved to be of short duration and much less formidable than most observers had originally imagined. Nevertheless, on the eve of the election most political analysts predicted that the

[9] *Ibid.*

[10] Quoted in *Time*, June 21, 1948, p. 40.

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CCF would pick up six to eight seats,[11] and some thought it not at all unlikely that the party would win enough seats to give it a balance-of-power position between the two older parties.[12]

No one expected any special performance from the Social Credit or the Communist parties. The Social Crediters, it was assumed, would retain most of their Alberta seats but would gain few if any elsewhere. As for the Communist candidates, their chances were rated at zero.

III

The outcome of the election was, of course, a resounding Liberal victory—in fact the greatest sweep in Canadian history. Of the 262 places, the Liberals won all but 69![13] The Conservatives emerged with 41 seats, the CCF with 13, the Social Crediters with 10, and the remaining 5 went 4 to the Independents and 1 to an Independent Liberal.

From the standpoint of the percentage of the total popular vote received by each party, the Liberal victory was only slightly less impressive. Compared with the 30 per cent of the Progressive Conservatives, the 13.6 of the CCF, and the 6.9 of all others, the Liberal percentage was just a fraction under 50![14]

The truth of the matter is that the dimensions of the Liberal victory came as a surprise to almost everyone. Even the most enthusiastic supporters of the party had expected only a neat working majority—not the 124 they actually secured over all other parties.[15] As for the veteran newspapermen, they appear to have been almost as much surprised by the outcome of the election as American newspapermen were by the results of the

[11] *Maclean's Magazine*, July 15, 1949, p. 14.

[12] *Ibid.*, May 1, 1949, p. 83.

[13] The statistics are taken from *The Montreal Daily Star*, June 28, 1949, p. 5.

[14] The significance of these statistics may be more fully appreciated by noting that in the election of 1945—which was considered a signal Liberal victory—Mr. Mackenzie King and his party received only 39 per cent of the total popular vote.

[15] *The Montreal Daily Star*, June 28, 1949, p. 1.

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presidential contest of 1948.[16] In fact, it would seem that, of all the prognosticators, only the Institute of Public Opinion (the Gallup Poll) was not surprised by the Liberal landslide. That much-abused organization forecast the election on an all-party basis within 1.2 percentage points.[17]

IV

Although the authorities are far from agreement as to the factors that were principally responsible for the Liberal landslide, they are almost unanimous in assigning to Mr. St. Laurent a large share of the credit.[18] And certain it is that as a campaigner, as well as an organizer, the Liberal leader demonstrated skill, resourcefulness and qualities of leadership that few persons realized he possessed. In fact, in some respects his campaign performance excelled anything that Mackenzie King, the old maestro himself, had ever been able to stage.

The Prime Minister assumed that his main job was to let the voters get acquainted with him. To that end, he conducted a Truman-type campaign, traveling from one end of the country to the other, speaking in big cities and at isolated whistle-stops —wherever he could find an audience. He spoke ten to thir-

[16] *Maclean's Magazine* of July 15, 1949, p. 14, reported that on an informal poll of parliamentary reporters, taken a few days before the election, the average guess gave the Liberals 140.6 seats, the Progressive Conservatives 68.5 and the CCF 38.9.

[17] The comparative figures are as follows:

	Poll Report per cent	Actual Vote per cent
Liberal	48	49.5
Progressive Conservative	31	30.0
CCF	15	13.6
Others	6	6.9

This, it may be noted, constituted one of the most accurate forecasts made by the Canadian Institute in approximately fifteen election forecasts.

[18] *Le Canada,* of Montreal, called the avalanche a "personal triumph for the Prime Minister." *The Vancouver News Herald* declared, "Victory and its extent must be credited to the leadership and personality of Mr. St. Laurent." *The Montreal Daily Star* affirmed that the "chief" factor in the Liberal triumph was "the personality and character of Mr. St. Laurent himself, as it was reflected in the tone of the campaign he waged." *Newsweek* asserted: "Above all it was a personal triumph for St. Laurent, a leader with brilliant gifts combined with the appeal of a plain man."

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teen times a day until his throat gave out and then he rested and came back for more. He kissed scores of flower girls, shook tens of thousands of hands, traveled by train and car and air and ship. "But above all he let the people come near him so that they could hear him talk and see his face and decide 'if you think you can trust me.'" [19] He talked about the Atlantic Pact and its promise of peace, about a united nation that "stands only at the threshold of its destiny," about "the fundamental liberal aim of a fair distribution to each and every Canadian of the good things of life." He waged a campaign that was largely one of quiet words, that championed the Liberal past and Liberal policies. But they were, as one newspaperman observed, "words sparked fairly often by eloquence and by drama." [20] There was profound emotion when he went home to his native village of Compton, Quebec; courage when he went into big, tough Hamilton and said labor should have its fair share but should not dominate the land; something approaching religious fervor in the reaction to him in French-speaking eastern Ontario.

> And one night . . . his voice caught fire as he retorted to Tory advertisements intimating that he was not a good Catholic and not a good French-Canadian. Reporters found themselves so awed by his sudden, burning eloquence that their pencils missed what he said. He spoke of religious tolerance, of the value of a religious people with such powerful conviction . . . that his predominantly-Protestant audience sat hushed and moved until he had had his say and then cheered his words.[21]

A second factor that contributed substantially to the notable Liberal victory was the failure of the opposition parties to develop any really effective issues. They, of course, devoted a great amount of attention to the mistakes and blunders of the Liberal Administration, and they explained in some detail their own formulae for curing the ills of the nation. But, and this

[19] Douglas How, in *The Montreal Daily Star*, June 28, 1949, p. 1.

[20] *Ibid.*

[21] *Ibid.*

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was particularly true of Mr. Drew, they did not find a real keynote and they wasted a vast amount of time and effort in scattered assaults upon a whole series of minor targets.

Mr. Drew talked frequently and at great length about ministerial " contempt for parliament ", and " irresponsible " conduct of civil servants—" the long-haired boys in the ivory towers of Ottawa "—the sanctity of provincial rights, the necessity of restoring the government to Parliament and the people. He rapped the government's aircraft policy, charging that the Canadian-built Canadair planes were unsafe. He attacked the government-controlled Canadian Broadcasting Corporation and the Liberals' monetary policy. He criticized the government for its failure to find a solution to the Dominion's trade problem. And he complained that the Liberals were stifling private enterprise. But his arguments did not seem to make any appreciable impression upon the voters. Furthermore, most of them proved to be fairly easy for the Liberals to dispose of.

Few voters, for example, seemed to take seriously the Conservative leader's charges that Mr. Laurent was pursuing policies that threatened to undermine the nation's democratic institutions. " The Common Man " had not felt " the jackboots of tyranny " sufficiently to become greatly disturbed at the picture of irresponsible, bureaucratic government conjured up by the Leader of the Opposition.[22] Moreover, the level of competence, experience and devotion to duty of the ministers and of the civil servants was so widely recognized that the Conservative leader experienced difficulty in making his charges stick.

Similarly, the argument that the government had been too long in office proved easy to answer. Mr. St. Laurent simply pointed out that, although he was a " comparative newcomer in public life," there were only three ministers standing for election who had been in the Cabinet longer than he.[23] As for being " old and tired ", the Prime Minister reminded the voters

[22] *Saturday Night*, May 17, 1949, p. 1.

[23] See Mr. St. Laurent's radio address of May 31.

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that he, the dean of the Cabinet so far as age was concerned, had traveled during the course of the campaign from one end of the country to the other without developing any conspicuous signs of fatigue.

Mr. Coldwell and his CCF colleagues centered their attack upon certain of the government's sins of omission, such as its failure to stabilize prices, its refusal to provide adequate health insurance, and its failure to formulate a plan to deal with future mass unemployment. They likewise made strong, impressive pleas for the nationalization of banks, railroads and key industries. But for the most part their arguments fell on deaf ears.

For the failure of the opposition leaders to interest the voters in party issues there were at least three major reasons. First and most important of all, the prosperity that the country was enjoying and the Liberal government's record of achievement had much greater vote-catching appeal than any issues that the opposition parties were able to bring forward. Second, in their educational programs of the past all of the parties had neglected to give adequate attention to the problem of interesting voters in party platforms and issues.[24] Third, there were so many points of similarity between the platforms of the two major parties that the average voter probably concluded there were really no significant differences between them.[25]

The date selected by the Liberals for the balloting undoubtedly also contributed to the Liberal landslide. Industry was booming, unemployment was virtually nonexistent, and national income was at an all-time high. It was too early for farmers to be upset by any threat of a crop failure and too soon for most voters to be worried about Canada's darkening business outlook. It gave the Leader of the Opposition the shortest

[24] The extent of the failure of the educational programs was convincingly revealed by a poll conducted by the Canadian Institute of Public Opinion in September 1948. The Institute found that 62 per cent of the persons quizzed could not attempt to define what the Progressive Conservative party stood for; 54 per cent were similarly confused about the policies of the Liberal party; and 49 per cent were unable to define the objectives of the CCF.

[25] There were, of course, significant differences between the platforms of the Liberals and Conservatives, on the one hand, and the CCF, on the other.

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possible time to organize his ranks and draw up vote-getting issues. It afforded the Liberals an opportunity of capitalizing, before it evaporated, on the gratitude of the workers for the welcome abatements of taxation decreed by the budget of March 22. And it permitted St. Laurent and his followers to take advantage of the rising tide of Liberal sentiment which public opinion polls and by-elections indicated had started early in 1949.[26]

For the most part, questions relating to foreign affairs were excluded from the campaign. Nevertheless, the Liberal candidates did not forget to remind their constituents that it was a Liberal government that had provided the country with able leadership during almost six years of war and had played a leading rôle in launching the United Nations and in formulating the North Atlantic Treaty.[27] Neither did they neglect to emphasize the point that it was under the skillful leadership of a Liberal Prime Minister, Mr. Mackenzie King, that Canada had attained the status of an independent state within the framework of the Commonwealth of Nations. Then, just for good measure, they included the reminder that it was the party of Laurier, Mackenzie King, and St. Laurent, that had consistently stood for closer commercial relations with the United States.

In the field of domestic affairs, the Liberals "pointed with pride" to a number of substantial achievements. Among other things, they stressed the establishment of floor prices for farmers and fishermen, the stimulation of small industry, the provision of various aids to veterans, the reduction of taxes, and, above all, the enactment into law of a progressive social-security program. The last included unemployment insurance, a national health scheme, old-age pensions, and the baby bonus program (whereby families are given an allowance for the number of children they have). If returned to power, the

[26] The decision to set June 27 as the date of the election appears to have been due in part to the favorable reception that Mr. St. Laurent received on a "non-political tour" of the West, made during the spring recess of Parliament.

[27] See the writer's "Canada and the North Atlantic Pact", *Virginia Quarterly Review*, Summer, 1949, pp. 429-442.

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voters were assured, the Liberal social-security program would be further extended.

For understandable reasons, the Tories were hard pressed to find a way of countering the vote-catching appeal of the Liberal record and promises. What they in effect did, both in the drafting of a platform and in campaigning, was to accept many of the programs of the Liberals—notably their social-security program—and, in the fashion of American Republicans of 1948, promise to administer them better. The Conservative "me too" approach did not appeal to the Canadian voters. They refused to swap the prosperity that they had for the promises of the Tories that they would do the same thing better. And the CCF found that its socialistic program was even less attractive to the average voter.

A third factor of some importance in the Liberal victory was, without doubt, the measure of support the Liberals received from the Roman Catholic Church.[28] This Church, which needs all the help it can muster for its desperate conflict with its Communist enemies in Europe, "could not have been expected to view with equanimity the ejection from power of a loyal son who was head of one of the most important governments of the British Commonwealth." The Church leaders preserved officially a scrupulous neutrality during the campaign, but "there is considerable evidence that their subordinate priesthood, presumably with their full approval, exercised its influence, which is particularly powerful with women voters, to assure the return of Liberal candidates." [29]

A fourth contributing factor to the Liberal landslide was voter resentment at the *rapprochement* formed early in the campaign between Mr. Drew and Maurice Duplessis, Premier of Quebec and leader of the Union Nationale.[30] Mr. Duplessis had taken no part in the campaign, but many of his party workers, including a number of his cabinet members, had worked ener-

[28] *Round Table*, September 1949, pp. 372-73.

[29] *Ibid.*

[30] The party which in July of 1948 had inflicted a humiliating defeat upon the Liberals in a Quebec provincial election.

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getically for a Conservative victory.[31] To many voters a concordat between Mr. Drew, the most ardent imperialist in Canada, and Mr. Duplessis, an extreme isolationist with a strong anti-British bias, was explainable only as "an opportunist adventure, stamped by political cynicism, which deserved rebuke."[32] Thus the "alliance", which failed to win Quebec for the Conservatives, was undoubtedly a factor in losing votes for Mr. Drew in Ontario and in the West, where the very name of Mr. Duplessis is by reason of his anti-British record anathema to many Conservatives.

Still another reason for the Liberal avalanche was the shift of a number of normally CCF votes to the Liberals. Just how many such votes were shifted no one can say. But it is significant that, in spite of the substantial gains made by the CCF in British Columbia, in Ontario, and in other provinces between 1945 and late 1948, the party's percentage of the total vote in 1949 was less than its percentage of the total vote in the general election of 1945. Those lost votes went somewhere and the election statistics indicate that most of them went to swell the Liberal total.

As to why some CCF voters chose to support Liberal candidates, the most plausible explanation is as follows. The CCF suffered decisive defeats in the Nova Scotian provincial election of June 9 and in the British Columbian election of June 15. These defeats caused many persons "left of center" to realize that the CCF stood no chance of gaining control of the government at Ottawa and small chance of even becoming the Loyal Opposition. At the same time, the vigorous campaigning of Mr. Drew and his co-workers, combined with Liberal warning cries, alerted these left-of-center voters to the likelihood of a Conservative victory. Because of the Drew-Duplessis "alliance", because of fear of what might happen to social security and other government services if the Conservatives came to power, and because of strong personal animosity toward Mr. Drew for his constant references to CCF candidates as "Na-

[31] *Maclean's Magazine*, August 1, 1949, p. 14.

[32] *Round Table*, June 29, 1949, p. 224.

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tionalist Socialists" and as "Crypto-Communists", these CCF sympathizers voted Liberal.

V

Possibly the most significant conclusion to be drawn from the election is that, in spite of the racial, religious and economic conflicts which exist in the Dominion, when the need arises the Canadian people can, and do, demonstrate a surprising degree of unanimity of opinion. The voters liked the record and program of the Liberal party; consequently, in complete disregard of all questions of race, language and religion, they joined to give St. Laurent an overwhelming vote of confidence. With good reason, the Prime Minister interpreted the election as "a victory for Canadian unity." [33]

The election likewise has significance as an indication of political trends in the Senior Dominion. A few years ago certain Americans with Canadian investments became alarmed at the possibility of a Socialist government's coming to power in Canada and expropriating all foreign-owned factories, forests and mines. The American investors can now set their minds at rest. The Dominion—at least for the predictable future—is not going socialist.

To say that the Canadian voters have repudiated socialism does not mean that they propose to revive the once-popular doctrines of rugged individualism. Not even the Progressive Conservatives can properly be called "rugged individualists". The Liberals, of course, are even farther to the left than the Progressive Conservatives. Canada, the election seems to indicate, has chosen to steer a somewhat left-of-center course, carefully avoiding the pitfalls both of the Left and of the Right. In following such a course, she joins the centrist trend—away from extremes—discernible in the United States, Australia, and in other countries where free elections are still held.

Some writers interpreted the election as a repudiation of minority parties and a return to the two-party system of earlier years.[34] Such an interpretation seems entirely unwarranted.

[33] *The Montreal Daily Star*, June 28, 1949, p. 1.

[34] See *The Montreal Daily Star* editorial of July 27, 1949.

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True it is that of 339 individuals who ran as independents or as minor party candidates only 29 were elected. But it is important to note that such candidates received better than 20 per cent of the total popular vote. Furthermore, it should not be forgotten that (because of the special circumstances discussed above) large numbers of CCF supporters voted for Liberal candidates. If these facts are borne in mind, one will not be too hasty in concluding that the day of minority parties in Canada is ended. Neither the Communists nor the Social Crediters are likely to register any significant growth in the foreseeable future. But it would be a mistake to make a similar prediction with respect to the CCF. So long as prosperity holds, the party's socialist program is not likely to have a very wide appeal to the Canadian voters. When and if economic difficulties overtake the country, the voters are likely to turn in increasing numbers to socialism.

For Mr. Drew and his co-workers the election results undoubtedly were both a surprise and a disappointment. They had waged a vigorous, tireless campaign, and the results achieved seemed hardly commensurate with the efforts expended. Mr. Drew was reëlected, but some of his ablest lieutenants, including J. M. Macdonnell, John Bracken, John Hockett and C. C. I. Merritt, went down to defeat. The only consolation the Conservatives could derive from the election was the knowledge that, in spite of their greatly reduced parliamentary representation, the party had received a slightly larger percentage of the popular vote in 1949 that in 1945.

Mr. Drew accepted the defeat of his party philosophically. "This isn't the first time or the worst time", he declared. "But I've always come back."[35] The Progressive Conservative party, he affirmed, "has as great a role to play in the future as in the past." He wanted an immediate start on building for the future and promised to lead a vigorous opposition in the House of Commons.

Since Mr. Drew is a good fighter, and since the Conservatives have a reputation for quickly overcoming adversities, few persons who read the Conservative leader's statement doubted

[35] *The Montreal Daily Star*, June 28, 1948, p. 5.

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that both he and his party would stage rebounds. Later, however, after both the national director of party organization and the party publicity director had resigned their positions, and after party morale had shown signs of deteriorating still further, many persons—including loyal party workers—began to wonder whether the Progressive Conservative party really did have a future.[36] Furthermore, with increasing frequency the suggestion was heard that a new leader should be elected to replace Mr. Drew.

The answer of Mr. Drew and his lieutenants to these signs of dissatisfaction and revolt was a two-day meeting of the executive committee of the party's national association, convened October 31-November 1. Among other things, the committee voted confidence in Mr. Drew's leadership; gave assurances that "the important posts of national director and director of publicity would be filled in the near future"; [37] and announced the decision to organize young people's groups as rapidly as possible and to make a concerted drive for an increase in the membership of women's organizations. Whether the actions of the executive committee will mollify the disgruntled party members and set the stage for the revival of the party remains to be seen.

During the exciting days following the election a considerable number of editorial writers expressed the views that the preponderance of voting strength which the Liberals would be able to muster in the Twenty-first Parliament presented a threat to Canadian democracy.[38] The Liberals, the argument ran, "swollen with victory", would be tempted to become "arrogant and complacent." [39] They would jump to the conclusion that they "ruled by divine right" and, consequently, would ride roughshod over the feeble opposition. Liberal commentators, by contrast, were certain that the substantial Liberal ma-

[36] See *Maclean's Magazine*, November 1, 1949, p. 14.

[37] *The Montreal Daily Star*, November 2, 1949.

[38] See, for example, the views of the independent *Fort William Times Journal*, as reprinted in *The Montreal Daily Star* of June 28, 1949, p. 5.

[39] *Maclean's Magazine*, August 1, 1949, p. 2.

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jority would "expedite public business," [40] since it would make impossible the sort of obstructionist tactics indulged in by the Conservatives during the final session of the Twentieth Parliament.[41]

It is perhaps unnecessary to add that the fears of the editorial writers have proved to be groundless. Although small in number, the members of the opposition parties appear to be as effective as when their ranks were more numerous. They speak less frequently than previously but they always have plenty to say on questions of importance. Moreover, now that the election is over, there is much less speech-making directed at the voters. It is perhaps not merely a coincidence that the parliamentary session which ended December 10, 1949 was one of the most fruitful, as far as important legislation was concerned, in the country's recent history.[42] Canada, one may rest assured, is still a functioning democracy.

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[40] See *The Montreal Daily Star* editorial of August 5, 1949, p. 8.

[41] Of the concluding session of the Twentieth Parliament, P. J. Philip of *The New York Times*, March 6, 1949, observed: "More noisy interruption has marked the present session of the Canadian House of Commons than has been the case for many years. On several occasions it has degenerated into plain rowdiness. . . ."

[42] Important actions taken by the first session of the Twenty-first Parliament included: abolishing Canadian appeals to the Privy Council in London, the initiation of steps to transfer from British to Canadian authorities the power of amending the Canadian constitution, and the voting of the budget.

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REVIEWS

Ideas & Men: The Story of Western Thought. By CRANE BRINTON. New York, Prentice-Hall, Inc., 1950.—ix, 587 pp. $6.00.

This book, in the words of its author, rejects philosophies of history and attempts the "still arduous task of tracing the ways in which the answers men have given to the Big Questions—Life, Destiny, Right, Truth, God—have apparently affected their conduct" (p. 10). He concludes with the wise counsel that a realistic democracy, one whose citizens were not fooled by their own slogans, would be the most difficult kind of society to manage (p. 550). Between his announcement of purpose and his final advice, he traverses three thousand years. To this one reader, his advice is better than the account of "intellectual" history, his own interpretation, from which he deduces it.

Professor Brinton has large learning and a fine honesty of approach; it may be that his book indicates that what he set out to do is impossible. Perhaps no scholar can be expected to treat with anything like equal comprehension the variety of cultures that the Western tradition comprises. Perhaps books of this kind should always be written by committees. Groups of men, we know all too well, do not often gear their thoughts together. But they err by understanding too much; they do not skimp or misunderstand. Professor Brinton is a brilliant spokesman for his congenial eighteenth century and he confesses that spiritual base. The parts of his book that seem inadequate are those that deal with periods in Western thought which men of the eighteenth century found repellent or uninteresting.

This natural bias, unluckily, appears at the very beginning of the book in his treatment of the Greeks. The imaginary eager layman who wants to understand would not get from *Ideas & Men* much intimation of the unique combination of intensity and rationality that was developed in a few Greek city states and set the character of Western civilization for more than 500 years. Brinton does not need to account for its gradual waning because he never gives us the sense of light. A studied and persistent rationality does not include inten-

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sities in its range of sympathetic interest. The same attitude makes the author tepid in describing the early Middle Ages.

From the Renaissance into modern times, Professor Brinton is more at home and puts his reader at ease. It is precisely in his ability to state the charitable skepticism with which the thinkers of these periods regarded the enthusiast and the martyr that he shows his own eighteenth-century traits; he is a quiet partisan of those views. If any question is to be asked about his comprehensive and often witty account of these periods, it would be as to his complete recognition of the fact, pointed out by Lovejoy and others, that "rational" periods are essentially anti-intellectual. He might have drawn a sterner moral for our own times. In spite of high authority to the contrary, the upper reaches of science, like corresponding stages in philosophic thought, are not mere common sense; they are flat denials of common-sense conclusions. Brinton knows this distinction; he might have made it more emphatic for the unprepared reader who, in our day, endangers all popular sympathy with science by confusing science with invention.

The author's temperament and chief interest affect also his emphasis on what he calls, in stating his purpose, the "Big Questions". He helps us to understand what men have thought about Right and Truth more successfully than to explain what they have thought about Life and God.

These, I believe, are major comments that one needs to make on a courageous trial at writing a great book. One can be sure that specialists will cavil at minor matters but specialists should be ruled out of the discussion; this is a book for the general reader and must be judged by its general effect. If time could be upended, the more modern passages, which are the best, could have been put at the beginning. That would have established the virtues and limitations of our guide and would have captured many more readers. The work deserves them. History, even "intellectual" history, is more terrible and more beautiful than Brinton makes it seem but a cool, wise book is a great experience in these heated times and we wish it good fortune.

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Crisis in Britain: Plans and Achievements of the Labour Government. By ROBERT A. BRADY. Berkeley and Los Angeles, University of California Press; London, Cambridge University Press, 1950.—xii, 730 pp. $5.00.

Problems of Socialist England. By BERTRAND DE JOUVENEL. Translated by J. F. Huntington. New York, The British Book Centre, Inc., 1950.—xvii, 221 pp. $3.00.

Those who hoped to find in the achievements of British Labor a satisfactory middle way between capitalism and communism will probably derive little comfort from either of these books. After a stay of eight months in the British Isles in 1948 Professor Brady came to the conclusion that the Attlee government had succeeded neither in creating the new type of society envisaged by socialist idealism nor in driving through the economic reorganization necessary if Britain is to survive. He was unable to discover that it had any far-reaching plans for increased production and economic efficiency. In many cases its policies have merely been built upon the findings and even the recommendations of Conservative commissions of inquiry. Its philosophy, in so far as it may be said to have any, now follows Keynes, the true prophet of all parties in this century, rather than the Webbs who were the inspiration of socialists in former days. Its device of the public corporation run by experts reflects an abandonment of the syndicalist idea of worker ownership and control in favor of a version of the Burnham thesis of management by experts.

Professor Brady supports these somber conclusions by reviewing the background and context of the Labor government's legislation during its first four years of office, with briefer reference to events since July 1, 1949. Not pretending to give a definitive account, which would be premature, he nevertheless presents a fairly comprehensive analysis concerning all the important topics—the Bank of England, fuel and power, iron and steel, transport and communication, social security, town and country planning, industrial location and development, and colonial policy. In collecting his material he not only perused an enormous quantity of written sources—documents, newspapers, books—but interviewed ministers, members of Parliament and others as well.

Unfortunately Professor Brady sets down the results of all this labor in an exceptionally bad style. One is tempted to assert that he

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merely typed off his notes without any regard for the decencies of composition. To read this book is to undergo a painful experience. But anyone who perseveres to the end of his ordeal should emerge with a firmer grasp of the achievements and failures of British Labor.

He will derive both pleasure and understanding from de Jouvenel's *Problems of Socialist England,* a book made up of articles contributed to French journals and now collected and translated. Even though they do not deal with the English situation in any detail since the crisis of 1947, and not at all since the autumn of 1948, it was well worth while to bring these essays together. M. de Jouvenel is a wise and subtle interpreter of contemporary affairs. Somewhat disillusioned in outlook, saddened especially by the belief that opinion in our day is more than ever swayed by the dictates of passion, his is nevertheless a free mind, no mere servant of party or doctrine, but reflecting lucidly and disinterestedly upon the phenomena of our time, and his writing skill emerges even in translation.

De Jouvenel divides his treatment into five parts. He first sketches the political scene in the autumn of 1946 just as the Labor government was well under way. He then devotes a section of nine short chapters to the economic difficulties of post-war Britain. Next come four fascinating and often penetrating chapters on " the moral problems " raised by the advent of socialism. The author then reviews the great crisis of 1947 with its shocking revelation of the hollowness of many of the pretensions of the planners. A brief conclusion describes the impressions de Jouvenel received when he went back to England in the autumn of 1948.

It will be seen that this book is quite different in character from that of Brady. For one thing it is a nonacademic work of brief length, with no bibliography and very few footnotes. Moreover, its concern is less with economics or the analysis of organization than with " the movement of ideas and opinions attending on a transformation now in progress." Thus de Jouvenel does not deal with the nationalized industries in any detail, partly because it is too soon to reach sure conclusions concerning their success or failure, but more particularly because nationalization is a mere matter of organization, to be judged solely by the canons of organization. He would prefer to know what kind of society socialism will produce, what its effect will be upon the relations of man to man.

Now of course matters of such importance cannot be dealt with adequately in a book which is made up by grouping together a number of newspaper or magazine articles. One will not seek or find in

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de Jouvenel's work a comprehensive, scientific analysis of Britain's present position. But it is a book worth reading for its observations and reflections. The tedious though essential details are set out for us by Mr. Brady.

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Tito and Goliath. By HAMILTON FISH ARMSTRONG. New York, The Macmillan Company, 1951.—xi, 312 pp. $3.50.

This is a penetrating analysis of the origins and course of the Yugoslav-Soviet split of 1948, its repercussions in Eastern Europe, and its strategic implications for the Soviet Union and the West. It is an indispensable guide to the complex and partially revealed forces which led to Tito's escape from control by the Kremlin and which have shaken the satellites with trials of leading Communists and with purges. Hamilton Fish Armstrong's latest book is based not only on three decades of intensive study of international politics but on a familiarity with Yugoslav problems and character which began with his mission to the newly created state in 1918 and has been enriched by four visits since the end of the war.

In *Tito and Goliath* the reader will find a minute and imaginative analysis of all scraps of evidence which have come to light concerning the development of Tito's relations with Moscow since 1941. Important questions concerning Tito's earlier career in the Communist movement are noted but cannot now be answered. Mr. Armstrong has also remarked on the uncertainties which surround Zhdanov's rôle as organizer of the Cominform. It may be that Molotov and Malenkov prodded Zhdanov into forcing the break with Yugoslavia in order to eliminate him as a rival for power within the Soviet hierarchy.

After analyzing carefully the factors which enabled Tito to risk and make good his break for independence, Mr. Armstrong outlines vividly, country by country, the impact of Titoism and of anti-Titoist witch-hunts. Gomulka in Poland, Clementis in Czechoslovakia, Rajk in Hungary, Patrashcanu in Rumania, Kostov in Bulgaria, Xoxe in Albania, high-light the defeat of "national Communist" aspirations within Eastern Europe. In all this there is much resentment of Russian methods and exploitation, much fear for the future of their own people, but there is little trace of Titoism as a conscious program, still less of any definite plans or preparations to act on the part of the potential Titos. The author rightly emphasizes that these sweeping purges served Moscow's purpose by eliminating numerous potential

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supporters of national independence and by making it clear that survival and promotion depended on giving loyalty to Moscow alone.

To the brief description of the Belgrade conference of 1948 on regulation of Danubian navigation (pp. 89, 92) it is worth adding that it was the Yugoslav government, still hewing closely to the line of Soviet foreign policy, which provided the essential vote without which Vyshinsky would have failed to secure the necessary two-thirds majority for his proposals, even with the vote of the Ukraine. More recently the Yugoslav government has complained bitterly of the tyrannical exploitation by the Soviet Union of its control over the Danube. In outlining the tightening of Soviet control over the satellites between 1944 and 1948 the author occasionally uses such expressions as "each local revolutionary situation matured" (e.g., p. 174). As a matter of fact the conditions and steps through which Communist parties established their full control represented a series of carefully planned "cold Putsches"—what Hubert Ripka has called "the pre-fabricated revolution". By an oversight it is implied that news of the rift in the Cominform "leaked out" in Prague (p. 90). In fact, the Cominform resolution was published in *Rudé Pravo* and blared forth on the radios of the satellites.

Can Tito retain the support of his people and restore its economic health without modifying considerably the aims and burdens of his present program? Can Tito count on military support from the North Atlantic Treaty Organization which has committed American, Canadian and West European democracies to the mutual defense of their own member-countries? These two basic quandaries which confront Yugoslavia are outlined but not resolved in Mr. Armstrong's valuable study.

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Stalin and the Poles: An Indictment of the Soviet Leaders. Presented by BRONISLAW KUSNIERZ. With a Foreword by August Zaleski. London, Hollis & Carter, 1949.—xx, 317 pp. 16*s*.

This book is a gloomy and disheartening picture of relations between the Soviet Union and Poland from 1939 to 1948. It has been compiled by anonymous authors from the ranks of the Polish émigrés and presented to the English-speaking world by Dr. Bronislaw Kusnierz, Minister of Justice in the Polish Government in Exile. No

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attempt has been made to disguise the official character of the publication. As the subtitle says, it is an indictment of the architects of Soviet foreign policy and it is destined for an invisible court of justice—the world public.

Conceived as a legal document the book has been produced in conformity with principles which governed the proceedings at the Nuremberg trial. It is divided into two parts: the first devoted to the early phase of the War, from the Soviet attack on Poland in September 1939 to the German invasion of Russia in 1941, and the second covering the more recent period, from the break of the Nazi-Soviet alliance to 1948. Each of these parts has two sections listing (a) crimes against peace, and (b) war crimes and crimes against humanity. This organization of the text corresponds to provisions made by the Four Big Powers for the Nuremberg Tribunal and facilitates orientation in the mass of data supporting the charges. The authors treat both international affairs and the Soviet interference with Poland's internal conditions. Needless to say, they think of Poland as it existed on August 31, 1939, not recognizing as valid any change of the eastern boundary.

The book came out as an official supplement to such earlier publications as the anonymous narrative of personal experiences in Soviet captivity, *The Dark Side of the Moon* (1946), and two highly flavored accounts of political developments, *The Rape of Poland* by Stanislaw Mikolajczyk, and Arthur Bliss Lane's *I Saw Poland Betrayed*. Anyone who wishes to analyze the highly complicated texture of Polish-Soviet relations during the past twelve years will find in the book under review an abundance of material collected from diplomatic dispatches, depositions of eyewitnesses, printed reports including the Soviet press, and from other sources of either official or private character. The authors often quote from the collection *Nazi-Soviet Relations, 1939-1941*, published by the Department of State in 1948, but, apart from that, references to original or printed documents are scarce. It is left to the reader to weigh the cases as presented by the accusing party, and to form his opinions of the reliability of the testimonies inculpating the Soviet leaders.

The book retraces the course of events since the signing of the Nazi-Soviet Pact, in August 1939, which precipitated the storm. It remains an open question whether the danger of a combined Nazi-Soviet action was taken seriously into account in those uneasy years leading up to the second world conflict during which Col. Joseph Beck pursued his hazardous game and jeopardized Poland's position. The pertinent passages of the indictment indicate that the optimism prevailing

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on the Polish side in regard to the Soviet stand was to be mercilessly dispelled by Moscow soon after the German onslaught. Little doubt remains after the perusal of the book that the Soviet leaders were determined to liquidate at the first opportunity the system which came into existence during the eclipse of Russian power, and to replace it by a pliable and subservient régime. Whatever has been undertaken by the Soviet authorities either in the international sphere or in the territory over which for twenty years the Polish flag waved corroborates the view that the invasion in September 1939 had a far wider intent than mere incorporation into the Soviet system of eastern districts with White Russian or Ukrainian populations.

This volume lifts the veil off the systematic and relentless drive against any support or vestige of that Poland which was constituted in 1918 and overpowered in 1939 by the heirs of Frederick II and of Catherine the Great.

Otakar Odlozilik

Columbia University

A Communist Party in Action: An Account of the Organization and Operations in France. By A. Rossi. Translated and edited, with an Introduction by Willmoore Kendall. New Haven, Yale University Press, 1949.—xxiv, 301 pp. $4.00.

Professor Willmoore Kendall, of Yale, has performed a great service by making available this somewhat abridged translation of A. Rossi's *Physiologie du parti communiste français,* which appeared in Paris in 1948. The author, Mr. Rossi, was an important figure in the Italian Communist party from the time of its founding until 1929, when he broke with the Communist movement and took up residence in France. Writing from the point of view of a French Socialist, Mr. Rossi subjects to careful, withering analysis the policy and actions of the French Communist party during the crucial period, 1939-1942. The *Physiologie* is of special importance to the student of French affairs because Gérard Walter's standard, though much too uncritical, *Histoire du parti communiste français* carries the story only up to 1939.

Mr. Rossi presents a critique rather than a chronology of French communism; but in the process of stating his case he relates a fascinating story of Communist activity. Rossi demonstrates, by reference to the history of the French Communist party from 1939 to 1942, that " nothing matters to France's Communist leaders except the

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U. S. S. R." (p. 95). The tactics of the French Communist party, he believes, are dictated by the requirements of Soviet foreign policy; the strategy of the party is to achieve power in France when consistent with the intentions of the Soviet Union (pp. 218, 219). Rossi's conclusion seems, to this reviewer, to be essentially correct. It can be shown that the present policy of the French Communist party is nonrevolutionary. That is, the Communist leaders of France know that their present demagogic campaign tactics will not yield them an electoral majority, and that the militant organs of the party cannot defeat the police and army of the existing bourgeois régime. The French Communist party is therefore not organized for the purpose of seizing power; it is designed primarily for the taking over of the civil administration when the Red Army, in pursuit of reactionary elements, blunders across the French border.

What is to be done? Rossi agrees that the Communist party is an agent of Soviet foreign policy. He also agrees that the Communist party is an antidemocratic organization; that is, that the party accepts and uses democratic liberties only in order to attain power, at which point it destroys democracy. Is it not time, then, for democracy to defend itself by outlawing the Communist party? Rossi's clear-headed answer is a valuable contribution to the literature on the subject. Logically, he points out, democracy does have the right to defend itself forcefully against antidemocratic groups. But it should not act on this logic until it is impossible to do anything else. Repressive measures would attack only the symptoms, and not the disease. The existence of a large Communist party in France, Rossi suggests, is directly due to the fact that large masses of people are alienated from French capitalist society. Men become Communists because, by participating in the activities of the party, they find a meaning and a purpose to individual existence which they do not find in the great political community itself. French workers in particular have an inferior status in French capitalist society; it is understandable that they should support a party which is pledged to a different kind of community.

Fundamentally, Rossi contends, the non-Communist parties of France cannot defend their present society against the Communist attacks. "The Communist movement tends to thrive in societies whose members are no longer held together by the bond of shared moral principle and purpose, rather than in societies which, like Great Britain, have demonstrated their capacity to effect far-reaching social and economic changes and yet retain or even strengthen that bond"

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(p. 230). It is not enough that powerful trade unions should wring concessions from the capitalists. The need is for a new (that is, socialist) type of society based on a humane mythology and to be brought about by an organization sincerely concerned with the welfare of the French people and responsible to them, not to a foreign bureaucracy. What is required is nothing less than the transformation of French social structure so that all members of French society will accept a common moral standard and willingly participate in its implementation. Professor Kendall, in a vigorously written introductory note, concludes from Rossi's analysis that the Marshall Plan administrators in France are too concerned with production levels; they should attempt to transform the political community in such a way that Frenchmen will be able to share a new social vision.

If, as Rossi suggests, far-reaching socialist measures are required to win back for France the allegiance of the Communist supporters, then it must be conceded that the outlook is rather bleak. The most important of the non-Communist parties, Charles de Gaulle's *Rassemblement du Peuple Français,* seems to be committed to the maintenance of existing economic structure. The so-called " Third Force ", which consists of all the political groupings between Gaullism and communism (particularly the *Mouvement Républicain Populaire,* the Socialist and Radical Socialist parties, together with the *Union Démocratique et Socialiste de la Résistance* and some independents), is so constituted that effective action is virtually impossible. Any real alteration of French capitalist structure would not have the support of the Rightist elements within the Third Force; since the consequence of such defection would be loss of a parliamentary majority, the action does not take place. To understand why French democracy is threatened, it would be well to read Rossi's *Physiologie.*

Bernard E. Brown

The City College of New York

The United States and Japan. By Edwin O. Reischauer. Cambridge, Harvard University Press, 1950.—xviii, 357 pp. $4.00.

Few persons, if any, are better equipped because of background and training to write about Japan and the United States than is Professor Reischauer. Born of parents who taught the Japanese for most of their lives, he received his education in Tokyo, the United States and the Far East, and, with the exception of the war years when he was in Washington, he has been teaching Japanese language and history at Harvard University for the past fifteen years. It is not surprising,

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therefore, that the present volume is by far the most important interpretation of Japan written since the war.

Although the kaleidoscopic change of world events may have made some of the material slightly out of date, the study centers on the basic questions of the rôle Japan can play in a divided world. In addition to the military and political responsibilities thrust upon the United States by World War II and Japan's surrender, Professor Reischauer points out quite correctly that the immediate problems of military necessity should not blind us to the dangers of sacrificing democracy in Japan. As democracy has never been successful in an Asiatic country, he argues that we must demonstrate that democracy can work in Japan and hence in other parts of Asia.

The remainder of the book is devoted to an analysis of the physical setting, the Japanese character and the Occupation. The section on Japanese character is perhaps the most penetrating. Herein the author points out that while the geographic and historical isolation to which Japan was exposed led to homogeneity, the contacts with foreign countries—Korea, China and later Western countries—led to alternate borrowing and isolation so that the process of acculturation was taken for granted. A more important force in guiding Japanese conduct, however, is what is described as their "situational ethics". As the Japanese are accustomed to a society in which conformity is a dominant factor, their actions are unpredictable whenever they find themselves in an entirely new situation. Consequently, he concludes, "There is no premium placed on individual freedom; no emphasis on personal initiative" (p. 150).

From these observations, Professor Reischauer observes that it was natural to find a complete collapse of morale and a loss of bearing among the Japanese when they faced surrender and occupation. General MacArthur has been able, therefore, to inject self-confidence among the Japanese while the basic Allied policies which encourage democratic processes have given them a chance to develop initiative and freedom. The author fears, however, that the progress which has been made under the Occupation will be dissipated if the Allies do not conclude an early peace treaty and allow the Japanese to stand on their own feet.

Despite the authentic manner in which the material is presented, a few points of emphasis are debatable. For example, it is probable that Japan actually borrowed more from Germany, especially in political theory, governmental structure, education, law and military organization, than from the United States (p. 11). It is also surprising that no mention is made of the effect on Japan's foreign policy

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of America's acquisition of Hawaii, of the rejection of their demand for recognition of racial equality in the League Covenant, and of the acknowledgment of their special position in Shantung in the Versailles Treaty. Furthermore, the United States did not favor setting levels for Japanese industry (p. 247) but rather adopted the years 1930-1934 as the norm to be used in estimating possible reparations payments.

These minor points detract little from the work as a whole. It is a well-written and penetrating analysis which will do much toward clarifying the basic problems which confront the United States in Japan and which will assist in bringing about "the eventual development of a truly peaceful and essentially democratic Japan."

HUGH BORTON

COLUMBIA UNIVERSITY

National Security and Individual Freedom. By HAROLD D. LASSWELL. New York, Toronto, London, McGraw-Hill Book Company, 1950.—xiii, 259 pp. $3.50.

In this latest research study published under the sponsorship of the Committee for Economic Development Professor Harold D. Lasswell of Yale deals with an all-pervading problem challenging the American people—the achievement of national security without forfeiting the basic values and principles of American life. Lasswell assumes that the defense crisis is going to continue for years and that the establishment of a garrison state will be necessary. In such a state the position of the police and the soldiers becomes paramount. The problem, therefore, is to avoid the transformation of the garrison state into a garrison prison while we are attempting to prevent aggression from outside.

The author recognized that the attainment of national security may necessitate sacrifices of individual freedom. But every abrogation of freedom must be made with a complete understanding for its necessity, and should be carefully weighed in terms of the benefits gained in the interests of national security. The danger exists that during the continuing crisis we would voluntarily surrender our freedom permanently, and accept this development as a necessary by-product of achieving national security.

Lasswell warns against these consequences, urging that every act proposed in behalf of national security should be carefeully examined relative to its effects upon four basic principles of a democratic society: civilian supremacy in national affairs, freedom of dissemination of information, civil liberties and a free economy.

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The last two thirds of the volume analyze the alternatives of action open to the President, the Congress, the courts and the public in the organization of the garrison state. The need for an informed public in the operation of a democratic society is obvious. But during the continuing crisis there exists the danger that policy decisions may be based on information that is being withheld from the public. The area of secrecy should be held to a minimum. The President could be instrumental in the dissemination of information through the National Security Council and other agencies. Stress upon the importance of the preservation of individual liberties could be accomplished by including in the annual message on the state of the union a report on the status of our national security, and the effects of the security policies upon individual freedom. Lasswell seems, however, to put major reliance upon the courts in preventing unnecessary encroachments upon accepted democratic freedoms. But he is aware that proper "mechanics" are not sufficient to solve questions of broad policy; to use Burke's phrase, there is no substitute for the wisdom and fortitude of men for the retention of freedom. In the final analysis the responsibility lies upon the American public to maintain a maximum amount of freedom under the trying conditions that it is facing. The author outlines a series of activities under which responsible citizens and groups can maintain our basic values of freedom.

Professor Lasswell argues eloquently for the security of the nation and the freedom of the individual. At the same time he succeeds in maintaining the discussion at a concrete level. His suggestions appear realistic and workable. But the subject matter covered in *National Security and Individual Freedom* is necessarily wide in scope, and it is, therefore, to be expected that the author would fall short in some areas. The discussion of maintaining economic freedom leaves much wanting. The unquestioning reliance upon "the self-correcting mechanisms of the market" seems to contradict his faith in administrative actions in other fields.

But the major theme of the book dealing with the "problem of maintaining a proper balance between national security and individual freedom in a continuing crisis of national defense" is clearly outlined, and deserves the utmost attention of those interested in the preservation of our free institutions during the present crisis.

SAR A. LEVITAN

CHAMPLAIN COLLEGE
STATE UNIVERSITY OF NEW YORK

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The Psychology of Dictatorship: Based on an Examination of the Leaders of Nazi Germany. By G. M. GILBERT. New York, The Ronald Press Co., 1950.—viii, 327 pp. $4.00.

Dr. Gilbert had an unusual opportunity for daily and intimate contact with the chief defendants at the Nuremberg Trial for a period of a year. He was assigned as a psychologist to the court and, in the course of his professional duties, he spent most of his time interviewing the defendants, listening to their conversations, and receiving their complaints, arguments and explanations. He was able to draw particular advantage from these contacts because he succeeded in establishing very informal relationships with the defendants who met him as persons rather than as actors in a dramatic situation.

Dr. Gilbert has already published an account of his activities in *The Nuremberg Diary* (1947). The major portion of the present study contains more detailed case histories of Goering, von Papen, Keitel and SS-Colonel Hoess of Auschwitz. These fascinating accounts alone make the book extremely valuable to the psychologist, the historian and the sociologist. It is to be regretted that Dr. Gilbert did not include much more of the material in his possession. The probable reason for omissions is the purpose for which the book was written. The presentation of case studies is not the end in view. They are meant to serve as supporting material for a general theory which Dr. Gilbert develops at length in the last part of the book. He uses the psychological examination of leading personalities to obtain insight into the causes of Nazism.

In general the theory assumes that the motivation for a social movement arises from the interrelation of the "psychodynamics of leading personalities . . . with the broader social processes involved in historic conflicts." Referring to the psychodynamic aspect, Dr. Gilbert, on the basis of his material, singles out the following factors: (1) authoritarian regressiveness, which refers to the common tendency of submitting to authority in order to avoid the anxiety of having to make one's own decisions; (2) pseudo paranoia, which refers to attitudes of persecution, superiority, or manifest destiny to rule the world that are a consequence of ethnic identification and indoctrination; (3) pseudo compulsion, or the tendency to carry the repetition of group rituals to an extreme; and (4) the semiconscious suppression of insight, which is a failure to perceive the full meaning of what one is saying or doing. With reference to the social situation, Dr. Gilbert refers to group loyalties and hostilities and social unrest which enable persons manifesting these character traits to operate on a community

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basis. A psycho-cultural frame of reference is thus assumed as an explanation for a social movement.

Unfortunately, the theory, as presented, is not much more than a conceptual frame conceived in abstract terms which are only incidentally illuminated by references to the material. No clear conception of why the Nazi movement came into being emerges. It seems perfectly plausible to assume that an explanation must consider the interaction of personality factors and social conditions, but to make clear how this interaction works in a particular situation—in this case the Nazi movement—requires consideration of a vast amount and variety of material, political, economic and sociological. Dr. Gilbert, limiting himself to four case studies, could, therefore, do little more than suggest hypotheses as to certain psychological mechanisms which were operative in the situation. On this score he has done a very suggestive job, but he has failed to delineate the causes of dictatorship, aggression, concentration camps, or any other of the concrete and historical aspects of National Socialism.

THEODORE ABEL

COLUMBIA UNIVERSITY

The German Catastrophe: Reflections and Recollections. By FRIEDRICH MEINECKE. Translated by Sidney B. Fay. Cambridge, Harvard University Press, 1950.—xiii, 121 pp. $3.00.

Now nearing the venerable age of ninety, Professor Meinecke's life spans the years that witnessed the wars of German unification, the rise and collapse of both the Empire and the Weimar Republic, and finally the crowning tragedies of Hitler's Germany and its utter destruction. By 1914, he had served as the editor of the distinguished *Historische Zeitschrift* for two decades, and had fathered outstanding historical works, articles and the like in enviable volume. Between the two wars he continued to add to his distinction as a scholar and teacher, and toward the end of Hitler's régime his experiences extended to some of the conspirators who engineered the unsuccessful attempt on Hitler's life on July 20, 1944. His appointment as rector of the new Free University in Western Berlin, after occupation, testified to his continued prominence as a man of learning and a patriotic German.

Meinecke's work, ably rendered into clear English by the well-known Fay, is really an attempt to explain the background and the whys and wherefores of Germany's evolution into the Third Reich of Hitler. In his search for the deeper causes of the catastrophe, Meinecke discloses a disarmingly critical approach to the problem.

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The Nazi order he considers an astonishing and revolting deviation from the main lines of general European development in evidence before the twenties. It is therefore in the specifically German experience and development that the roots of the evil must be sought, and it is that experience and development that the author surveys and analyzes. The end result of his labors is, in fact, a long essay on Germany's history since 1870, ending in a suggestion as to how the Germans, having experienced what really was inner foreign rule under Hitler, can find salvation under the foreign rule imposed since the end of the war by foreign, outside compulsion.

Some dozen topics are chosen by Meinecke as aids in his task. They represent to him the forces and factors that spawned National Socialism. No useful purpose would be served, in a brief review, to list and to discuss them. Suffice it to say that Meinecke's observations are weighty and penetrating, and his conclusions illuminating as only the reflections of an exceptionally well-informed student can be. Yet he invites questioning and dissent. It simply does not suffice, for example, to point out that nationalism and socialism after 1870 produced much of the soil out of which Hitlerism later grew, or to speak of the "degeneration of the German people" as basic in the process. Such ways of looking at the problem do not help much in solving it; they merely rephrase it (see pp. 2-24). They are quite understandable, however, at the present time, and can be used, as Meinecke clearly demonstrates, without the painful clumsiness and vicious distortions shown by a good many writers who have tried their hands at the same puzzle in recent years.

Over four years have elapsed since Meinecke finished his manuscript. This circumstance should be kept in mind in perusing the closing pages of his book. They are devoted to a brief discussion of Germany and the future, and necessarily incorporate assumptions and imply guesses that are already outdated. As integral parts of a provocative and enlightening book, however, they too deserve close scrutiny and more than passing reflection.

JOHN H. WUORINEN

COLUMBIA UNIVERSITY

British Politics since 1900. By D. C. SOMERVELL. New York, Oxford University Press, 1950.—270 pp. $3.75.

D. C. Somervell is best known in the United States for his skillful abridgment of the first six volumes of Arnold J. Toynbee's *A Study of History* (1946). In his own right he is the author of a number of

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semi-popular historical works: *Studies in Statesmanship* (1923), *Disraeli and Gladstone* (1925), *English Thought in the Nineteenth Century* (1929), *The Reign of King George the Fifth* (1935), *Modern Britain, 1870-1939* (1941), and *Between the Wars* (1948). To this list he has now added an informal and simply written account of British political development from 1900 to 1950, "a history of party politics, of the rising and falling of governments, and the ups and downs of party political opinion."

Like his previous books, the present volume is a work of neither erudition nor profundity; and if it is, in general, disappointing, the explanation is mainly that Somervell has not taken advantage of the rich potentialities of an important subject. Though a writer need not possess the genius of an Elie Halévy or of an R. C. K. Ensor to deal with the political life of twentieth-century Britain, the writer must, at the very least, familiarize himself with the overwhelming mass of available source material. This Somervell has conspicuously failed to do, and the result is that his work rests on insecure foundations; there are too many meaningful sources on which he has failed to draw. No less serious, Somervell seldom asks the basic questions that ought to be asked, and he neglects to recognize and to raise fundamental problems that deserve to be considered. Indeed, he himself comments toward the close of the book that "any attempt to be profound in our final paragraphs would be quite out of place."

There are other objections to the present volume. Somervell's organization of his material is generally unimaginative. Using a chronological approach, he deals in the same chapter with themes that often have little or no relationship to each other. It is not surprising, therefore, that he frequently finds it difficult to make the transition from theme to theme; small wonder, too, that his individual chapters do not hang together. Finally, Somervell has the annoying habit of delivering moral judgments of the sort that David Hume and Goldwin Smith used to employ and that Winston S. Churchill employs on a large scale. It is one thing for a Hume, a Smith, or a Churchill to pass such judgments; it is quite another for a Somervell to do so. Yet he rarely foregoes an opportunity to characterize as unfortunate or deplorable the historical developments of which he disapproves, and his book is filled with advice as to what the political figures of the last half-century ought to have done in particular situations. The "deplorable" and "unfortunate" approach to the study of the past rarely makes, however, for historical understanding.

All this is not to say that the book is without value. Any layman

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who seeks an introductory survey of some of the main currents in twentieth-century British political history will find it helpful; and anyone who enjoys reading lively and colorful character sketches of political leaders will find it a rewarding volume.

HERMAN AUSUBEL

COLUMBIA UNIVERSITY

The Jacobite Movement: The First Phase, 1688-1716. By SIR CHARLES PETRIE. London, Eyre & Spottiswoode, 1948.—240 pp. 15*s.*; $2.75.

The Jacobite Movement: The Last Phase, 1716-1807. By SIR CHARLES PETRIE. London, Eyre & Spottiswoode, 1950.—221 pp. 15*s.*; $2.75.

Jacobitism has given rise to an immense historical literature, part of which, together with much published source material, was surveyed twelve years ago by Guthrie and Grose in their "Forty Years of Jacobite Bibliography" (*The Journal of Modern History,* March 1939). The rebellions, plots, intrigues, romantic incidents, and international aspects of Jacobitism have been subjects of more or less serious historical treatment, and all of the major, and many of the minor, characters in the story have their biographies—good, bad and indifferent. Even the Jacobite twilight, after the movement had lost all vitality, has received considerable attention, quickened by what has been called "the charm of decadence and high connections."

In 1932 Sir Charles Petrie entered the field with a general history of the Jacobite movement as a whole, but it has been out of print since 1938. Fresh information having become available in recent years, it seemed to him desirable to rewrite his study, and these two books are the result. In the first volume he brings the story through the Rebellion of 1715 and its immediate aftermath, and in the second to the death of the Cardinal Bishop of Frascati, grandson of James II, younger brother of "Bonnie Prince Charlie", and titular "Henry IX, King of Great Britain, France, and Ireland, Defender of the Faith", the last of the Stuarts to assert a claim to the British throne.

The author is well known as a historical writer, he is undoubtedly widely read in Jacobite literature, and he writes attractively—sometimes with distinction. His book has received high praise in the popular press, both in Great Britain and in this country. He is rather given to speculating on "might-have-been's", and some of his conjectures are useful in helping the reader to form estimates of the sig-

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nificance of historical events. If, for example, Charles Edward's Council of War at Derby had decided to advance on London instead of to retreat to Scotland, there might well have been a second Stuart restoration, eighty-five years after the first.

From the standpoint of historical method the present work leaves something to be desired. A great many statements are made, and many important ones, without benefit of substantiation. If they are accepted, it will be merely on the author's *ipse dixit*, and therefore the judicious reader will constantly experience a feeling of insecurity. Nor will his confidence be restored when he encounters a passage from Disraeli's *Sybil*, which is put in evidence to demonstrate that Charles I died a martyr to the cause of the poor, nor when an explosive utterance of Dr. Johnson to Boswell is quoted to show that the Hanoverian dynasty was unpopular in the reign of George III.

Some of the author's interpretations seem extraordinary, to put it mildly. The opinion that Cromwell's war with Spain "proves" that the Lord Protector "saw in Spain only the champion of the Inquisition and the Counter-Reformation" flies in the face of what has been written during the last fifty years, notably by George Louis Beer, on Cromwell's commercial and colonial policy. The assertion, unsupported by any reasoned argument, that it is "absurd" to say that the government of James II was tyrannical is positively startling; it is tantamount to declaring that the Bill of Rights is absurd. The view that it was the Whig leaders only who invited the Prince of Orange to come to England, and that the Revolution of 1688 was the work of the Whigs alone, is worse than an instance of erroneous interpretation; it is contrary to fact. And it seems highly fanciful to say that William Shippen, the Jacobite leader in the House of Commons in the reign of George I, "was surely the first Leader of His Majesty's Opposition in the modern sense of that term."

More careful revision would have removed some glaring and confusing inconsistencies. In the first volume (p. 65) James II is said to have *fled* from England, unwisely and against the advice of those who urged him to stay and fight it out with his Dutch son-in-law; in the second volume (p. 160) he is said to have been "driven from his throne." After being given to understand that the mass of the English people in the later years of Anne's reign was Jacobite (I, 136), we are informed a few pages afterwards (I, 148) that between the Jacobites and the Whigs was "the mass of the nation, Tory at heart, and desirous of getting back to the old ways, but fearful of Popery and the re-kindling of the fires of Smithfield." Nor are matters mended when we are told a little later on (I, 160) that in 1715

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" England " was " preparing to rise." Who, the reader may well ask, were really preparing to rise? But the author does not stay for an answer. The opinion that " the chief obstacle to the return of James [III] was, for many years, Sir Robert Walpole " cannot be reconciled with what the author has just written about the " Catholic bogy " as the principal reason why the first two Georges remained on the British throne (II, 33).

Sir Charles Petrie seems to have no objection to economic interpretation in general. Thus, for example, he contrasts the " peace and prosperity " associated with the House of Hanover in the age of Walpole with the " poverty and war " for which the House of Cromwell was blamed, and he says that this contrast explains the success of the one and the failure of the other. Yet he comes no nearer to perceiving economic motivations in Jacobitism, or rather in anti-Jacobitism, than to say: " The *nouveaux riches* of the Revolution were kept loyal to the new order by the dread of losing what they had gained." One need not be an economic determinist to wish that Sir Charles had seen fit to give some systematic attention to economic interests that supported Jacobitism and those that opposed it. It would probably have been illuminating to view the movement, in England at any rate if not in the highlands of Scotland and in Ireland, in the light of the then existing cleavage between landed men and moneyed men. Contemporaries were not unaware that Jacobitism had large economic potentialities. The earliest of Dean Tucker's political pamphlets, *A Calm Address to All Parties in Religion,* was written in support of the reigning Hanoverian sovereign during the course of the Jacobite Rebellion of 1745, and a notable feature of it was the emphasis placed upon economic considerations. Tucker depicted in the most somber hues the economic results that might be expected to follow a Stuart restoration, one of which, he warned his readers, would be a repudiation of the national debt, a fear shared by the moneyed interests generally and by no means groundless; for the debt had been contracted in large part to prevent a Stuart restoration.

Jacobitism as a movement died nearly two hundred years ago, but a few Jacobites still survive. Sir Charles Petrie is one of them. He says, and no doubt believes, that a Jacobite restoration following " the Forty-five " would have had very beneficial results, and he speaks the language of Stuart legitimacy when he says that the kingdoms of England, Scotland and Ireland belonged to James III " by right ".

ROBERT LIVINGSTON SCHUYLER

COLUMBIA UNIVERSITY

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Our More Perfect Union: From Eighteenth-Century Principles to Twentieth-Century Practice. By ARTHUR N. HOLCOMBE. Cambridge, Harvard University Press, 1950.—xiii, 460 pp. $6.00.

The reviewer has the option of treating Professor Holcombe's book as a distinguished addition to his earlier writings on American politics, or as a study of the American Union, or as a contribution in both the two partly overlapping fields. Since a reviewer seldom has the right to criticize an author for a book which he has not written or for not writing a different one, his obligation here would be limited to criticism of this book as a political study were it not for the claim suggested in the title and asserted in the Preface that it is "a critical essay on the Constitution of the United States" (p. ix). In view of that claim it will be considered from both points of view.

On next to the last page the author does by implication characterize his work as "a political study of the Constitution" (p. 428). To the extent to which it is a study of the Constitution at all it is indeed a "political" rather than a "constitutional" study of our basic law. At its core it deals primarily with politics, political parties, and the political aspects of the legislative process. Most of the chapter titles indicate this emphasis. The contents remain of the same kind even in chapters suggesting a very different approach, as for example when a chapter entitled "The Ordeal of the Constitution" has as three of its four subheads "The Political Effects of the Growth of Cities", "The Political Effects of the Growth of Class Consciousness", and "The Political Effects of the Dislocation of Sectionalism". The approach is a familiar one in terms of Professor Holcombe's earlier political studies, and the essence of earlier volumes is restated along with the presentation of fresh materials in what the publisher in a jacket description calls "the product of a lifetime of thought about American government." It is particularly sensitive in portrayal of political processes in the two houses of Congress, and it is rich in discussion of phenomena which lead to conclusions in terms of "the natural tendency of the major parties under a two-party system to reflect the reasonable requirements and moderate tempers of middle-class Americans" (p. 148).

As to clearly constitutional subject matter, however, the author limits his contribution largely to a brief and conventional account of the adoption of the Constitution and to discussion of the statement in Article LI of *The Federalist*, presumably by Madison, of the principles of separation of powers, federalism, and limitation of the power

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of majorities. He omits discussion of the Constitution as law, of the immense body of constitutional law, and of the substantial bodies of statute and administrative law which have constitutional significance. The three chapters on the Supreme Court which might be expected partly to fill the gap are also concerned primarily with politics. They deal with "Judges and Legislators", "Judges and Administrators", and "The Supreme Court and the States"; but nowhere is there the adequate treatment of the judiciary and our developing body of law which belongs in any broad study that may properly be called "constitutional".

The improper labeling of the book as a constitutional study is important not because politics is irrelevant to constitutional matters—the relevance is obvious as far as the fields overlap; it is not because the Library of Congress card for it places it with constitutional rather than with political studies where it belongs; it is not because the book may be sent to the wrong reviewers (two leading journals referred it to the present reviewer who has claim to competence chiefly in the constitutional field); it is not merely because the wrong people will pick the book up and lay it down again and the right ones may never consult it at all. The misbranding is important because it may well perpetuate in the minds of young readers the naïve illusion shared by rebel political scientists a few decades ago that constitutional subject matter had little significance for the future and that vitality remained only in the peripheral subjects of municipal government, politics, international relations, public administration, and other newer subdisciplines. However fully rebellion may have been justified by abstract, dogmatic and barren methods of teaching constitutional subject matter, those defects of teaching in no sense justify the claim, the more persuasive for being left unstated, that practically the only important aspects of the study of the American Constitution are the history of its adoption and the subsequent playing of the game of American politics.

At the end of his book indeed, the author by his retreat into a kind of constitutional mysticism shows himself victimized by his own unstated assumptions. At that point he would rise above the issues and the pressures of politics which he has effectively delineated and propose a "more perfect Union of all mankind," a government of United Nations, but he has for us a contribution mostly of sentiment rather than of disciplined constitutional thought—or, it must be admitted, even of systematic political thought—when he avows that "Americans above all other men have a right to believe that the his-

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tory of the world should be regarded as the realization of a hidden plan of Nature to bring about a more perfect Union of the Nations as the only state in which all the capacities implanted in Her by mankind can be fully developed" (p. 428). Such a union, he believes, should be based on the Madisonian principles. Beyond that point he leaves largely undiscussed the constitutional-legal problems involved. Indeed, while for the purpose of a world government he finds the "principle of the political mean" important, he makes no attempt to assess the feasibility of middle-class government in a world union in which the diverse peoples of the Soviet Union, China and India would be huge component parts. His contribution, to repeat, and a very real contribution it is, is limited to analysis of politics within the American political system.

CARL BRENT SWISHER

THE JOHNS HOPKINS UNIVERSITY

The Purse and the Sword: Control of the Army by Congress through Military Appropriations, 1933-1950. By ELIAS HUZAR. Ithaca, Cornell University Press, 1950.—xiv, 417 pp. $4.50.

The late Professor Huzar of Cornell had long been interested in the appropriation process as one of the major means available in our government for exercising popular control of administrative activities. In this volume he has reported the result of a careful review of Congressional appropriations to the War Department (now Department of the Army) from 1933 to 1950.

Necessarily, any such account must begin with the men who make up the appropriation subcommittees of the House of Representatives and the Senate. About half of the men had served at some time in the armed forces, principally during World War I. While membership depends upon seniority and party control of the two houses, individuals seldom have behaved in a markedly partisan manner. Majority and minority members have worked together in examining military budget requests. Whatever the rules of procedure may provide, the appropriation committees do enact much substantive legislation in the process of making appropriations. The decisions of the subcommittee are almost always the decisions of the entire committee and then of the two houses themselves. The Senate Committee acts as a kind of court of appeal after the House has acted. Demands upon the Congressmen's time are such that the subcommittee members themselves must rely for advice primarily upon the military administrators.

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The subcommittee members and the generals have, in Mr. Huzar's belief, taken the appropriation process with due seriousness. Congressmen are impressed by the personal appearance of administrators, and by casual observations. Both may get reflected in appropriation legislation. The administrator who clearly reveals a command of details, who has a reputation for efficient management, and who demonstrates accomplishment tends to fare best with the House Subcommittee. Sometimes the committee members substitute their judgment for military leaders, but usually on minor matters. The recommendations of the President fix the limits in which estimates are considered; only on rare occasions does the subcommittee make any substantial change in the requests as they emerge from the executive branch.

To be sure, legislative appropriations provide the substance with which military policy becomes reality. Yet it is clear from Mr. Huzar's account that the process of appropriating funds occurs in no vacuum. Legislators react to the political circumstances of the moment; presumably administrators and the President behave similarly and sooner. Congress finds itself in the position to dispose of the proposals, but it is scarcely able to frame and execute alternatives. In the 1930's, the military establishment fell to low estate; in the war years Congress provided whatever was asked; in the troubled post-war years, Congress, with some reluctance, has helped maintain a sizable Army. In all these periods, Congress, and appropriation legislation, have reflected the prevailing opinion of the times.

The author devotes considerable attention to Congressional interest in administrative details of the Army. One gets the impression from these pages of a wide variety of subjects given greater or less attention, but certainly no coherent view of administrative organization or procedure emerges. Indeed, the interest in field posts, for example, indicates no more than that legislators are concerned to benefit their individual constituencies, not to promote administrative efficiency.

Mr. Huzar's conclusion is that Congress does not make "the best use it could" of the power of the purse (p. 376). It is easier to criticize than to correct. Congress cannot compel administrative efficiency. Sometimes Congress competes with the executive for power, but Congress must depend for advice and for details upon the executive. The individual legislator has neither the physical strength nor the time to play a vigorous rôle in administrative criticism. These facts are generally known. A satisfactory prescription for change has yet to be offered, however. This reviewer doubts if Mr. Huzar's proposal for more legislative staff would introduce any real improvement;

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he suspects it would provide only more confusion. Nor after the experience of 1950 does it seem adequate to propose that individual appropriation bills should be replaced by a single law. If Congressmen are bogged down in details, it may well be that they cannot by the very nature of their legislative rôle endeavor to express judgment on such large issues as mechanization of the Army or the desirable stockpiling of critical materials or weapons.

Mr. Huzar's book is really the story of how the separation of powers in our structure of government operates in providing the money necessary for our Army. From the wealth of detail provided, I conclude not that the Congressional appropriation process is either inadequate or unimportant. It seems to me surprisingly workable. The value lies in the constant possibility of legislative criticism of administrative action, with the threat of decreased funds as a sanction. The threat is only occasionally abused; it is undoubtedly a salutary influence upon administrators. Here it seems to me is the real importance of the "power of the purse".

JOHN D. MILLETT

COLUMBIA UNIVERSITY

The Growth of American Law: The Law Makers. By JAMES WILLARD HURST. Boston, Little, Brown and Co., 1950.—xiii, 502 pp. $5.50.

This book represents a new kind of legal history, provocative, contemporary and stark in its omissions. To the author, Professor Hurst of the University of Wisconsin Law School, the central theme of American legal history is the manner in which legal institutions have dealt with the tensions in various fields of public policy. To this end he has provided us with an institutional analysis largely concerned with the relation of legal agencies to public policies and ignored the problems of conventional legal history, the development of institutions of private law and legal concepts. Mr. Hurst's study represents but one side of the legal shield. But it is the side that can be most safely and satisfactorily etched today on the basis of available materials. Until the unpublished judicial sources for our colonial period are made more readily available, a thoroughgoing history of the development of private legal institutions can hardly be attempted.

The author demonstrates how different legal agencies have succeeded each other in leadership in the course of American history. Since the American Revolution resulted in a virtually supreme legislature, the

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legislative agency is first considered in this volume. In addition to providing an analysis of the growth of legislative lawmaking and the restrictions thereupon imposed by judicial review, Mr. Hurst considers the expansion of the legislative power to investigate, and acutely compares the lack of a firm procedural tradition in this area with what is found in the courts. Notwithstanding the advances made in executive power, in judicial review, and in the expansion of administrative agencies, Mr. Hurst assures us that the reports of the death of the legislature are grossly exaggerated.

In dealing with the courts, Mr. Hurst tackles the paradox that the people's control of the courts through their insistence on an elective judiciary came at the threshold of the greatest period of judicial power in our history. In the area of judicial review an argument can be made for an expansion of the power of the judge, but the author fails to consider the diminution of the judge's rôle in the conduct of trials. No reference is made to the numerous laws passed in the Jacksonian period, and still on the books, curbing the judge's right to comment on the evidence and severely qualifying his powers to instruct the jury. In fact, in some areas the bench has never recovered its prestige from the assault of the Jacksonian era.

Mr. Hurst's most challenging section deals with the bar. While his failure to handle the colonial period except in a superficial way is a cause of regret, his survey of legal education and practice from the post-colonial era down to the present day is exceptionally incisive. His trenchant criticism of the Langdell case method of legal education as serving to isolate legal study from other threads in American society and his ability to maintain a cool objectivity in drawing an unflattering portrait of the lawyer as technician and partisan of big business high-light a fascinating story.

The expansion of the executive power Mr. Hurst attributes to the diminished political sensitivity of the nineteenth century and to the growing impersonality in people's dealings with one another, the latter largely the result of the trend toward urbanization. This consequent undisciplined freedom encouraged organized pressure groups and made of legislatures a sum of temporary alliances and special interests. To the extent that the president and the governor appear responsible to a constituency no narrower than the nation or the state, Mr. Hurst feels that the expansion of executive power seems justified in the larger social interest.

In so ambitious and comprehensive a survey there are bound to be minor points where the reader may want to differ with the author.

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It would seem like an oversimplification of the facts to state that "eastern Massachusetts easily put down Shays's Rebellion," and it is probably a typographical slip to have President Hayes use federal troops to break the railroad strike in 1887 instead of in the previous decade. When Mr. Hurst analyzes the work of the justices' courts or the traffic courts, he can confidently rely upon statistical data, but it is doubtful whether quantitative measurements about numbers enjoying the benefits of a college education, and so on, will readily assure the reader that "the great days of the elder statesmen were not so far above the quality of our own time as we are sometimes moved to think." Let Mr. Hurst make his own comparison of the originality and fertility of ideas found in the *Annals of Congress* and the *Congressionable Globe* with the relative sterility of the *Congressional Record*. But these minor blemishes should not mar our appreciation of an important and challenging analysis of legal institutions that immediately establishes its author in the front rank of our historians of the law.

RICHARD B. MORRIS

COLUMBIA UNIVERSITY

Monetary Theory and Public Policy. By KENNETH K. KURIHARA. New York, W. W. Norton & Co., 1950.—xiv, 393 pp. $4.00.

The object of this author is to fill the gap between esoteric literature and standard texts, in the field of recent monetary theory and its application to public policy. He believes that wise policy decisions cannot be reached unless one applies to the available data the tools of analysis provided by the latest developments in monetary theory. Consequently, he places his primary emphasis upon those tools; he illustrates numerous equations with charts and tables; and he carefully evaluates alternative policies according to his judgment of their theoretical soundness and practical wisdom.

He begins by allotting his first one hundred pages (approximately) to a treatment of money and general prices, including two full chapters on the theory of inflation and its cure—a departure from customary allotment of space. Part II, of about two hundred pages, treats interest, the consumption function, savings-investment equilibrium and policies relating thereto; he endeavors to apply Keynes's "income-expenditure approach" to international economic relations. He provides a brief index, but no bibliography, the footnotes being

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relied upon to indicate the authorities whom he suggests for further readings.

The author is an enthusiastic disciple of Keynes, near whom he places Irving Fisher as the American who, with Keynes, "did most to convince the world that the traditional policy of maintaining exchange stability should be abandoned in favor of internal economic stability" (p. 313). Keynes's "*General Theory* put the last nail in the coffin of *laissez-faire,* as far as economists are concerned". (p. 290). Continuous full employment is the great objective to which all conscious public-policy measures should be bent; and to government must be assigned the main responsibility for stabilizing the economic system, else private capitalism is doomed. Stabilization, full employment and better allocation of resources would be served by greater equality in income distribution, even though this somewhat retarded progress.

It is the United States which seems to lie in the most parlous situation; it is the mature economy with the largest capacity to produce consumer durable goods, which renders a nation highly vulnerable to inflation; also, its capacity to accumulate capital seems to be "so great that the marginal efficiency of capital may fall even below the practical minimum rate of interest," considered a disastrous decline (p. 205). The social harmfulness of thrift, when there is less than full employment, is repeatedly stressed. World welfare obligates the United States to maintain full employment, but the effort cannot succeed without "effective monetary, trade and political cooperation among nations" (p. 297).

This reviewer is inclined to differ with some of the author's judgments. For example, I doubt if the impact of falling interest rates on educational and charitable institutions is likely to be offset by "their tax advantages" (p. 129). It is not, as of this moment, my observation that price-inflationary destruction of the real value of accumulated savings reduces "the propensity to consume" (p. 173). Also the danger that the desire for exchange stability "may get the upper hand of exchange flexibility" (p. 344) seems remote today.

The most valuable quality of this book is its emphasis upon variable factors; for indeed nothing is so certain of this era as its uncertainty, whether in economics or politics. If the author could emerge with instruction upon optimum synchronization of economic and political variables, he would place all mankind deeply in his debt.

JEANETTE P. NICHOLS

SWARTHMORE, PA.

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The New Deal Collective Bargaining Policy. By IRVING BERNSTEIN. Berkeley and Los Angeles, University of California Press, 1950.—xi, 178 pp. $3.00.

Between 1930 and 1937 there was a revolution in American labor policy. At heart the revolution was a conceptual change in the federal government's attitude and approach to collective bargaining. Bernstein here sketches the background and traces the development of this upheaval. In two preliminary chapters he describes "the condition of the union movement" before the New Deal, and the sources of New Deal labor-policy ideas. He follows these with chapters on Section 7 (a) of the Industrial Recovery Act (the "first step"); the 1934 amendments to the Railway Labor Act; the abortive Wagner Bill of 1934; and the stop-gap Public Resolution No. 44 of 1934. He then devotes three chapters to the legislative history of the National Labor Relations (Wagner) Act, and tops off with a final chapter of summary and evaluation.

The book is not only well documented; it rests, as well, upon wide examination of much unpublished material and extensive exploration of the papers and correspondence of many public persons who figured actively in the making of the revolution. Some of these persons the author interviewed. He surveyed the literary remains of the N.R.A. The text of the Wagner Act is reproduced in the appendix. There is a carefully assembled bibliography and an index.

The author's characterization of the pre-New Deal enviroment in which workers hired out and employers hired and fired is, for the most part, unexceptionable. He suggests that the law in that period was not "tilted in favor of employer", but was reasonably well balanced and "characterized by a spirit of toleration". But, "in the realities of the market place this hypothetical [legal] balance gave the employer the advantage" (p. 8). The law gets off too easily, perhaps, at Bernstein's hands. However nicely held the balance then maintained by the "law on the books", the "law in action" often had a quite devastating impact upon the worker—a fact which is implicit in the author's own remarks about company towns, whose operation, he points out, "was not only legal but law officers were often controlled by the companies" (p. 11).

Bernstein does a workmanlike job on Section 7 (a) of the Recovery Act and on the "broadening", in 1934, of the Railway Labor Act. There is nothing significantly new about either analysis. This recital of the origin and filling-out of the railway law (which, one union

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president is quoted as saying, "give to railway employees all the protection in the exercise of their rights to organize that the law can possibly accord them" [p. 55]) naturally leaves one wistful—in view of the way in which that law has operated in recent years, when it has seemed somehow to be yielding to the railway unions *more* than "the law can possibly accord them"!

The account of the gestation and birth of the Wagner Act, against the background of the collective bargaining provisions [Section 7 (a)] of the Recovery Act and the statutory false starts with the Wagner Bill of 1934 and the pinch-hitting interlude of Public Resolution No. 44, is an excellent piece of analysis and reporting. It forcibly confirms the general impression that the statutory cornerstone of New Deal labor policy—the Wagner Act—came through without benefit of press and (almost) without benefit of President. Roosevelt was much concerned to get the National Industrial Recovery Act on the books, but he was not greatly interested in its collective bargaining provisions. He was uninterested in the Railway Labor Act and gave his support to the Wagner Act only "at the penultimate moment" (p. 128). Evidently even that support was extended only because the Supreme Court's schechtering of the N.R.A. seemed to make necessary some sort of substitute. The Wagner Act, as Bernstein accurately remarks, "was primarily the work of the Senator whose name it bore" (p. 128).

It is appropriate, in these circumstances, that the author should incorporate some information about Robert F. Wagner's pre-senatorial career. Part of this information is misleading. We read (p. 28) that "as a judge he [Wagner] is credited with granting the first injunction to a union restraining an employer from interfering with lawful activities." One or more of Bernstein's cited authorities was in error here. The case referred to is the justly famous one of *Schlesinger v. Quinto*. The injunction was granted by Mr. Justice Wagner, but it was by no means the first case in which restraint has been imposed upon an employer upon the petition of a union.

A small error has crept into the author's reference (on page 10) to the Supreme Court's treatment of Section 10 of the Erdman Act, which provision, Bernstein says in a footnote, "was declared unconstitutional in *Adair v. United States* (1908), 208 U. S. 161." Strictly speaking, the Court did not invalidate the whole of Section 10 but only the part of it which prohibited a carrier from threatening an employee with loss of employment or unjustly discriminating against an

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employee because of union membership. The reviewer must add, in justice to the author, that the book is remarkably free from errors. It is, indeed, a first-rate piece of economic writing.

PAUL F. BRISSENDEN

COLUMBIA UNIVERSITY

The Rural Economy of New England: A Regional Study. By JOHN D. BLACK. Cambridge, Harvard University Press, 1950.—xxiv, 796 pp. $7.50.

For those who are interested in the study of New England as a region, *The Rural Economy of New England* is a very useful contribution. Although Professor Black's special concern is to analyze the rural land-use economy of New England, he is bold enough to face a fundamental question in the opening chapters of his book: Is New England really a "region"? Can northern and southern New England be in the same "region" in view of the differences between them in economic enterprises and population characteristics? Or, in view of the many similarities between the New England states and neighboring states, does not New England belong properly to a larger grouping which might be called the "Northeast Region"? Professor Black defends his definition of New England as a region with the observation that "the six New England states taken as wholes have more interests and social relationships in common with each other than with any other states, and that it cannot be said of any other state that it has more of these in common with the New England states than with some other group of states."

After describing the natural endowments, composition and distribution of population, and the industrial and transportation facilities of New England, the author develops a systematic analysis of the rural economy of New England. Controlling the structure of this analysis is Professor Black's assumption that there are eleven factors of change at work which are affecting the different major land uses and systems of farming in New England. Among these are a stepping up of the rate of mechanization of New England farming, the growth in the size of family-size and other farms, improved technologies of farm pasture management and farm woodland management, competition between New England and other areas as the result of new methods of handling and marketing, in particular the quick freezing method which is now being extended to such a wide variety of foods. These

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factors are examined in connection with each of the major land uses and systems of farming in New England; dairying, poultry, potatoes, tobacco, fruits and vegetables, maple products, woodlands and recreational use of land are given full treatment in separate chapters. After six hundred pages of this kind of close and often technical analysis, Professor Black concludes that New England agriculture has completed the big readjustment made necessary by the settlement of the Midwest and West and the opening of its markets to the products of these regions; that the "great retrogression" in New England agriculture which set in before the Civil War "began levelling out soon after 1920 and probably reached its limit in the 1940's." The recovery since 1940, he believes, has been mild and tentative and the future of New England agriculture will depend upon careful regional planning and the most intelligent use of the existing advantages of position in the output of products of a perishable and bulky type needed by the region's large urban population, and the development of other advantages such as the recreational uses of rural land and the improved management of woodlands.

Professor Black's book is particularly impressive because of the use he has made of the very large volume of research publications of the six New England agricultural experiment stations and of the federal agencies coöperating with them. The analysis of New England's rural economy is aided immeasurably by 155 charts and maps and 123 tables. These alone make it an indispensable reference work for anyone interested in contemporary New England.

EDWIN C. ROZWENC

AMHERST COLLEGE

The Papers of Thomas Jefferson. Vol. I: *1760-1776.* Vol. II: *1777 to 18 June 1779, Including the Revisal of the Laws, 1776-1786.* Edited by JULIAN P. BOYD. Princeton, Princeton University Press, 1950.—lviii, 679; xxiv, 665 pp. $10.00 each.

So far as American materials are concerned, this is undoubtedly the great editorial enterprise of our time. The two present volumes are only the first of a projected fifty-two volume series which will include not only the 18,000 letters Jefferson wrote but also, in full or in summary, the more than 25,000 letters he received. In addition the series will incorporate Jefferson's public papers and other writings than correspondence. Four fifths of the material will be hitherto unpublished work.

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This enterprise dates from the celebration in 1943 of the two hundredth anniversary of Jefferson's birth, at which time the Thomas Jefferson Bicentennial Commission was empowered to employ an historian and to prepare a new edition of Jefferson's writings. The Congressional appropriation was far from generous, but fortunately it was followed by a proposal to the Commission from Princeton University that the University sponsor the edition with the aid of a $200,000 subvention from the New York Times Company. An editorial office was established in Princeton University Library in the spring of 1944. Professor Boyd, as editor, was joined by Lyman H. Butterfield and Mina R. Bryan as associate editors. The facility with which the series is being assembled has been made possible by a liberal use of the microfilm camera in gathering copies of manuscript material. It has also been arranged that the entire file of photoduplicates will eventually be deposited with the Library of Congress, together with notes, indexes, and all other data accumulated in the course of the work, so that future scholars will be able to turn to one central depository to verify transcriptions or get full texts of summarized documents.

The editors have decided to gather for the purpose of comparison "every known copy of every Jefferson document," in the interest of offsetting or eliminating errors that might result from dependence upon a single text. The annotation of the documents is nothing short of magnificent; I do not think it too much to say that it provides every kind of information that the most exacting scholar could require—without, it should be added, being in any way obtrusive. Appended to each document is an annotation in double-column small type which contains: a descriptive note, giving a physical description of the document and a record of all known versions, as well as symbols indicating location; an explanatory note in the form of a short commentary on the document which, among other things, clarifies all internal references that need clarification; and, where necessary, a textual note, usually employed only for documents of major importance, in which all deletions and variations between drafts are noted. Thus the opening item of the first volume, a note of inquiry from the sixteen-year-old Jefferson to John Harvie concerning his prospective college education, which takes thirteen lines, is accompanied by a twenty-line annotation which informs us that the MS has not been located, that the text is from volume I of the Ford edition of Jefferson's writings, that it was printed by Ford from a copy furnished by Dr. J. S. H. Fogg of Boston, that it was printed earlier in Randall's *Life* from a copy furnished by Jefferson's grandson, George Wythe

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Randolph of Richmond, that it is Jefferson's earliest surviving letter, that its recipient was one of his guardians, and that a conversation reported in the letter is with another guardian, Col. Peter Randolph (1708-1767) of Chatworth on the James, who was a cousin of Jefferson's mother, Jane Randolph.

The material in volume I embraces Jefferson's letters and papers from 1760 to 1776; that in volume II embraces material from the beginning of 1777 to June 18, 1779 as well as the text of Jefferson's revisal of the laws of Virginia from 1776 to 1786, which occupies considerably more than half its pages. The scale of amplification provided by the edition may be measured by the fact that the first volume contains three times as many documents for the period 1760-1776 as the Ford edition. When the entire series has been completed, the annotations alone, in their total bulk and value, will undoubtedly constitute a major factual commentary on Jefferson and his times. Such an undertaking cannot, in all good conscience, be "reviewed". One can only report one's admiration of the spirit in which Professor Boyd and his associates have fulfilled their scholarly trust, and add to the chorus another note of gratitude and felicitation.

RICHARD HOFSTADTER

COLUMBIA UNIVERSITY

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BOOK NOTES

At once the most interesting, and dismaying, fact about Erich Eyck's *Bismarck and the German Empire* (New York, The Macmillan Company, for George Allen & Unwin Ltd., London, 1950; x, 327 pp. $3.75) is that it is the first general work on "the most important personality of the whole of Europe in the second half of the 19th century" to be issued by an American publisher since Emil Ludwig's over two decades ago. In the preface Eyck tells us that this new English version is a summary of his three-volume biography in German that appeared during the war. Unfortunately the resulting compression has only served to heighten previous disproportions and misinterpretations. What the new version actually provides, beyond a dull recitation of the main outlines of Bismarck's life, is unnecessarily sketchy on important details, and entirely inadequate and unreliable on the framework of his career. A few examples: His lasting rejection of the liberal intellectual tradition of his mother and teachers is altogether overlooked. Ten lines are devoted to an inconsequential youthful flirtation, but not a word about his interesting early essay on "The Role of Economy in Government". About popular economic demands in the Prussian revolution of 1848 nothing is said; nor about how their unfulfillment contributed heavily to the disintegration of the democratic forces. Contrary to Eyck's unqualified assertion (p. 28), Bismarck had considerable trouble getting elected to the Prussian *Landtag* as late as July 1849—evidence of continuing liberal strength in the East Elbian rural areas even at this time. The reader is not told that Bismarck's undisguisedly reactionary course on economic matters before the *Landtag* was as much responsible for his appointment as ambassador to the German Confederation as was his defense of the Olmütz agreements. Nor does the reader get even a hint of the relative importance of Bismarck's efforts at Frankfurt compared to Rudolph Delbrück's now forgotten policy-making rôle in the crucial years 1851-1862. To write that only "since the commercial treaty with France in 1862 [the tremendous political significance of which is not even alluded to in the present volume] the economic policy of the Zollverein [and, by implication, of its leading member, Prussia] might be called a policy of moderate free trade" is to reveal astonishing unawareness of the progress of the German free-trade movement since 1818. The disastrous panic of 1873 goes unmentioned, and

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there is no intimation of its effects on Bismarck's subsequent domestic policies. And the rest of the book is much the same. Clearly, the discerning student will now be able to see, and document from the German version, that with Eyck's "liberal" criticism the limits of one approach to Bismarck have finally and fruitlessly been reached. But the Bismarck theme is not exhausted. On the contrary, it needs to be reworked in its entirety—and from its very beginnings.—FRANCIS L. LOEWENHEIM, New York, N. Y.

Germany, 1947-1949: The Story in Documents (Washington, United States Government Printing Office, 1950; xlvi, 631 pp. $3.25) is a sequel to an earlier State Department pamphlet *Occupation of Germany: Policy and Progress, 1945-46,* and will be welcomed by students of post-war Germany who do not have ready access to the voluminous Military Government publications and reports which were issued by General Lucius D. Clay's Military Government headquarters. No pretense at completeness is made. A few documents of the pre-1947 period are included, such as the Yalta Conference, JCS 1067, The Potsdam Agreement and Secretary Byrnes's address at Stuttgart 6 September 1946. Liberal use is made of the Military Government Regulations, and a word of caution is in order not to regard these as always representing "going policy" for the 1947-1949 period. This is particularly true of the excerpts pertaining to Education and Cultural Relations activities. Military Government Regulations were issued by General Clay's Control Office at Berlin to subordinate Military Government headquarters at the *Laender* (state) level and indicated the policy, procedures and programs which were to apply in the United States Area of Control in Germany. The establishment of Bizonal headquarters at Frankfurt-am-Main prompted Clay to transfer certain offices to Frankfurt, and still other offices were transferred from Berlin to Nuremberg and Bad Nauheim during the Berlin Blockade. The Control Office's organization and administrative assignments increased considerably during this period, and it had difficulty in keeping the Regulations abreast with the policy which was being developed by the functional headquarters scattered over several cities. At times these functional offices implemented new programs through their counterpart offices at the subordinate Military Government headquarters at the *Laender* level by the use of functional rather than command channels. Informal organization played an important rôle in MG operations which does not emerge from the official reports contained in this publication. The documents are ar-

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ranged into broad categories: Basic Principles and Objectives; Political Developments; Economic Developments; and Educational, Informational, Cultural and Religious Developments. The Berlin Crisis documents are included under Political Developments. The story presented is incomplete upon occasion as may be seen from the fact that the Berlin Crisis documents are restricted largely to the official exchange of notes between the Western Powers and the Russians without giving information on the airlift or the counterblockade. Here as elsewhere the publication would have been enriched by including material from the *Information Bulletin,* a bi-weekly magazine publication of Clay's headquarters, whose articles were written mostly by the same MG personnel who furnished much of the material which was incorporated in the official documents and reproduced in this book. Little material is included on MG operations in the British, French and Soviet Zones. Nonetheless, this publication reveals the enormity of the tasks of filling the vacuum created by the absence of a central German government and what problems obtained where many of the national and international responsibilities of the country had to be discharged by the Occupation Powers.—MILTON E. MUELDER, Michigan State College.

The American as Reformer (Cambridge, Harvard University Press, 1950; xi, 127 pp. $2.25) consists of a series of lectures delivered by Arthur M. Schlesinger at Pomona College in the spring of 1950. In his first two chapters the author deals with the historical aspects of the reform impulse and seeks to demonstrate that until very recent times the United States has taken the lead in espousing and adopting a wide variety of reforms. The third and final chapter, entitled " The Revolt Against Revolt ", analyzes the methods and arguments employed by American opponents of reform in the recent and distant past. The book concludes with an attack on present-day efforts to curb or suppress freedom of thought and inquiry. The scholar, turning to Mr. Schlesinger's work for new light on the history of American reform movements, will be disappointed. While the author has at no point concealed his opinions, he has not advanced a thesis to explain American reforms and reformers; nor has he provided the material from which such a thesis might be developed. On the other hand, *The American as Reformer* is a highly effective reminder of the importance of reform in the American past and of the threats to this tradition in our troubled present.—HAROLD C. SYRETT, Columbia University.

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Island Administration in the South West Pacific (London and New York, Royal Institute of International Affairs, in co-operation with the Institute of Pacific Relations, 1950; viii, 158 pp. 12*s.* 6*d.*; $2.50) by Cyril S. Belshaw is a new addition to the literature on island administration in the Pacific, and should therefore have a receptive audience in the United States because of our relatively new responsibility for the administration of the Trust Territory of the Pacific. Published under the joint sponsorship of the Institute of Pacific Relations and the Royal Institute of International Affairs and authored by a former administrative officer in the British Solomon Protectorate, the study is an analysis of government and reconstruction in New Caledonia, the New Hebrides, and the British Solomon Islands. In addition to analyzing the historical, social and environmental conditions which have affected the form and policy of the respective administrations, Mr. Belshaw studies the present-day problems which a policy of social and economic reconstruction encounters. His major thesis is twofold: first, that since island government consists essentially of the social relations between officials and nonofficials, the legal precepts and forms of government are less important than what happens when government officials meet the governed; and, second, that since many specific problems which government policy is devised to answer cannot be foreseen, field officials must frequently initiate action under only the most general guides to action and must let their actions be determined by numerous factors other than policy statements and the legal framework of their government. In short, the emphasis of the study is that island government in the Pacific is a social phenomenon.—THOMAS K. HITCH, Honolulu, T. H.

Elvira K. Fradkin presents in her new book *A World Airlift: The United Nations Air Police Patrol* (New York, Funk & Wagnalls Company, 1950; viii, 216 pp. $2.85) a plan for the strengthening of the United Nations and the prevention of a third world war. Both objectives, Miss Fradkin says in her Preface, can be accomplished through the creation of a UNAPP "without danger to the security of the nations and without need of amendments to the Charter of the UN." Although writing after the outbreak of hostilities in Korea, the author is convinced that her plan would be accepted "with equal alacrity by both the USA and USSR" (p. 17) and that it would be for the Russians a "face-saving device" to help them conceal the growing independence and disaffection of the satellite states. On the one hand she argues that an Air Police Patrol would not make the United

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Nations a superstate capable of giving orders to its member nations, or of enforcing those orders, since the Charter of the UN would not be amended, and the veto in the Security Council would still be in force; and on the other hand she describes the UNAPP under that Council as the only form of security which can be developed by peace-loving peoples against modern air war. Miss Fradkin is also convinced that air power can provide adequate security against land forces and that the Russians, if confronted with a sufficiently powerful Air Police Patrol, would decide to accept a "modified communist state, without possibility of world conquest" in preference to "obliteration with atomic bombs and bacteriological war" (p. 16). The question as to what modifications would be required of the Soviet state is beyond the scope of the book, and the author does not make clear how the UN could explain to the Russians the criteria it is using in deciding for or against a policy of obliteration without annoying them with a few direct orders. That the Russians would accept or actually welcome the establishment of such power in the hands of a UN agency, which they are unable to control, and that its establishment would be followed by a "slow but sure demilitarization", as the author contends (p. 33), are debatable assumptions, to say the least. Yet the case is presented with arguments of this kind, always within the framework of a hopeful idealism, which confuses political and military objectives, and obscures the real advantages which a UNAPP might have, even in the present situation. Thus, the Berlin Airlift of 1948-49, from which the book takes its title, should be understood not as a "new form of policing by air power" (p. 57) but instead as a supply and relief operation with a specific military objective in the course of the cold war. It does not prove that peace can be obtained or international understanding reached in this manner, or even that air power can successfully "defy land-based power" (*sic*, p. 57). More probably it proves only that the Russians wanted to see how effective our air logistics could be, and that rather than lose the city we decided to take the trouble and spend the money to show them. Now that we have done so, it would be reasonable to suggest that the forces of the UN consider an extension of air power along the same lines. But it would be dangerous to suppose that *all* nations would be willing to turn over to the UN *all* military aviation, as is proposed (p. 76), or that the Russians at this point would consent to a regular inspection of their air units by outsiders merely because war planes, unlike atomic bombs, are bulky and "easily spotted" (p. 61). Although we may not be fortunate enough to see "the third world war . . . held as if in a

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trance while UNAPP starts a ceaseless patrol of the airways" (p. 130), the idea of an international air force is a good one, and should receive careful consideration. The Appendix of the book contains an analysis of the applicable portions of the UN Charter, together with sundry reports and resolutions of the Security Council and its Military Staff Committee, but these for the most part are dated 1947.—John M. Coleman, Lafayette College.

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